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Federal Register

Tuesday
October 21, 1986

Briefings on How To Use the Federal Register—
For information on briefings in Washington, DC, New York, NY, and Pittsburgh, PA, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: November 18 at 9:30 a.m.

WHERE: National Archives Theater, 8th and Pennsylvania Avenue NW., Washington, DC

RESERVATIONS: Laurice Clark, 202-523-3419.

NEW YORK, NY.

WHEN: December 5 at 10:00 a.m., Room 305A, 26 Federal Plaza, New York, NY

RESERVATIONS: Arlene Shapiro or Stephen Colon, New York Federal Information Center, 212-264-4810.

PITTSBURGH, PA.

WHEN: December 8 at 1:30 p.m.,

WHERE: Room 2212, William S. Moorehead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA

RESERVATIONS: Kenneth Jones or Lydia Shaw
Pittsburgh: 412-644-INFO
Philadelphia: 215-597-1707, 1709

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Separate Parts In This Issue

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 5554 of October 17, 1986

Gaucher's Disease Awareness Week, 1986

By the President of the United States of America

A Proclamation

More than 20,000 Americans are afflicted with Gaucher's disease, the most common of a group of genetic disorders known as lipid storage disease. Because of a defective gene, people with this disease do not produce enough enzymes to break down fatty substances called lipids. The lipids accumulate in the body's cells. In victims of Gaucher's disease, the spleen and liver become enlarged, the abdomen distends, and bones erode. Some patients also develop mental retardation or dementia.

Gaucher's disease is hereditary. Children who inherit a defective gene from both parents develop the disease; children who inherit the gene from only one parent become carriers capable of passing the gene on to their own children. Gaucher's disease can afflict anyone, but it is particularly prevalent among people of Ashkenazi Jewish ancestry.

Until recently, there seemed little cause for optimism. But today, modern genetic engineering techniques are unraveling the mysteries of Gaucher's disease and other hereditary disorders. Scientists supported by the Federal government's National Institute of Neurological and Communicative Disorders and Stroke have identified the gene that is defective in Gaucher's disease and are now able to reproduce it in large enough quantities for study. It is also now possible for physicians to confirm a diagnosis of Gaucher's disease through simple blood and skin biopsy tests. Physicians can predict the severity of the disease in each patient, allowing those affected to make better informed health care plans for the future.

In addition, scientists have developed a method for replacing the enzyme that Gaucher's patients lack. Growing knowledge about genetic structure may someday enable scientists to transplant a normal gene into a patient's cells to replace the defective gene. But much remains to be learned before such procedures are perfected.

Voluntary agencies work side by side with government scientists in the effort to promote research on ways to treat and ultimately cure Gaucher's disease. In the work of these agencies, and that of the investigators they sponsor, lies the hope that we will one day conquer this genetic disorder.

To enhance public awareness of Gaucher's disease, the Congress, by Senate Joint Resolution 352, has designated the week beginning October 19, 1986, as "Gaucher's Disease Awareness Week" and authorized and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning October 19, 1986, as Gaucher's Disease Awareness Week, and I call upon the people of the United States to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of October, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and eleventh.

Ronald Reagan

[FR Doc. 86-23945
Filed 10-20-86; 11:58 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Ch. III

[Docket No. 60622-6122]

Office of Export Administration Reorganization

Correction

In FR Doc. 86-22052 beginning on page 34585 in the issue of Tuesday, September 30, 1986, make the following correction:

CHAPTER III—[AMENDED]

On page 34586, in the third column, in amendatory instruction 11, in the sixth line, the section amended should read "§ 374.2(a)(4)(ii)".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 37

[Docket No. RM85-19-000]

Generic Determination of Rate of Return on Common Equity for Public Utilities

October 15, 1986.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: In accordance with § 37.5, the Commission issues the update to the "advisory" benchmark rate of return on common equity applicable to rate filings made by electric utilities during the period November 1, 1986 through January 31, 1987. This rate is set at 12.25 percent.

EFFECTIVE DATE: November 1, 1986.

FOR FURTHER INFORMATION CONTACT: Ronald L. Rattey, Office of Regulatory Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 357-8293.

SUPPLEMENTARY INFORMATION:

[Docket No. RM85-19-000]

Benchmark Rate of Return on Common Equity for Public Utilities

Generic Determination of Rate of Return on Common Equity for Public Utilities.

October 15, 1986.

In accordance with § 37.9 of its regulations, the Commission has determined that the benchmark rate of return on common equity applicable to electric utility rate filings made during the period November 1, 1986 through January 31, 1987 is 12.25 percent.[1] This rate represents a decrease of 50 basis points from the benchmark for the prior three month period ending October 31, 1986.

As provided in § 37.9, the quarterly benchmark rates of return are set equal to estimates of the industry average cost of common equity subject to a 50 basis point limitation on the quarter-to-quarter changes between annual proceedings. Changes in the estimates of the cost of common equity from one quarter to another are based on changes in the median dividend yield for a sample of electric utilities.[2] The median dividend yield is applied to a formula with fixed adjustment factors determined in the annual proceeding.

The median dividend yields for the sample of utilities for the second and third quarters of 1986 are 7.16 and 6.33 percent, respectively, for an average of 6.75 percent. Using the latter yield produces an industry average cost of common equity estimate of 11.43 percent based on the following formula:[3]

$k_t = 1.02\ (y_t) + 4.54 = 1.02\ (6.75) + 4.54 = 11.43$

Where:

k_t = average cost of common equity for the jurisdictional operations of public utilities for period t;
y_t = dividend yield applicable to period t;
t = three month time period November 1 through January 31.

Since this cost estimate is more than 50 basis points below the benchmark for the prior quarter, the new benchmark is determined by the rule's 50 basis point limit on the quarter-to-quarter changes.

The attached appendix provides the underlying data on dividends and market prices for the third quarter of 1986 to support this update. Supporting data for the second quarter of 1986 was published previously. (*See* 51 FR 26237.) Exhibit 1 lists the 99 companies in the initial sample.

Exhibit 2 indicates that 14 utilities are excluded in this third quarter because of zero or reduced dividends.[4] Exhibit 3 provides the basic data on dividends and market prices.

Generally, a rule becomes effective not less than 30 days after it is published in the **Federal Register**. A rule may become effective sooner if the agency finds that there is good cause to do so. 5 U.S.C. 553(d) (1982). The Commission finds good cause to make this rule effective November 1, 1986. Specifically, this notice is intended to supplement the generic rate of return rule announced in Order No. 442 (issued December 26, 1985 and effective on February 1, 1986) and the rehearing order on that rule (issued June 11, 1986 and effective July 21, 1986) by applying the method adopted in that rule, as amended on rehearing, to data which was not available. In addition, the benchmark rate of return established by this rule is effective on an advisory basis only.

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[1] On December 26, 1985, the Commission issued a final rule amending § 37.9, the quarterly indexing procedure for determining benchmark rates of return on common equity applicable to electric utility rate filings. Generic Determination of Rate of Return on Common Equity for Public Utilities, 51 FR 343 (January 6, 1986) (Docket No. RM85-19-000) (Final Rule) (Order No. 442). Using this procedure, the Commission determined and published benchmark rates of return for the periods February 1 through April 30, 1986 and May 1 through July 31, 1986. 51 FR 3328 (January 27, 1986) and 51 FR 14982 (April 22, 1986). However, on rehearing of the December 26 order, the Commission revised the quarterly indexing procedure (§ 37.9) and the benchmark rates of return for the two aforementioned periods. 51 FR 22505 (June 20, 1986).

[2] This yield is defined as the simple average of the median yields for the most recent two calendar quarters for a sample of 99 electric utilities. (*See* 51 FR 26237 at fn. 2).

[3] *See* 51 FR 22505 at 22509 (June 20, 1986).

[4] Centerior Energy Corp. is excluded here because of an apparent dividend reduction. It could arguably be excluded from the sample for this and the last quarter because it is a newly formed company. Since there is no effect on the benchmark rates and only minor effects on the cost of common equity estimates, the issue of how to treat the company is moot.

List of Subjects in 18 CFR Part 37

Electric power rates, Electric utilities, Rate of return.

In consideration of the foregoing, the Commission revises Chapter I, Title 18 of the *Code of Federal Regulations*, as set forth below, effective November 1, 1986.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

PART 37—[AMENDED]

1. The authority citation for Part 37 continues to read as follows:

Authority: Federal Power Act, 16 U.S.C. 791a–825r (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982)

2. In paragraph (d) of § 37.9, table is revised to read as follows:

§ 37.9 Quarterly indexing procedure.

(d) * * *

* * * * *

Benchmark applicability period (t)	Dividend increased adjustment factor (a)	Expected growth adjustment factor (b)	Current dividend yield (y_t)	Cost of common equity (k_t)	Benchmark rate of return
Feb. 1, 1986 to Apr. 30, 1986	1.02	4.54	9.03	13.75	13.75
May. 1, 1986 to July 31, 1986	1.02	4.54	8.37	13.8	13.25
Aug. 1, 1986 to Oct. 31, 1986	1.02	4.54	7.49	12.18	12.75
Nov. 1, 1986 to Jan. 31, 1987	1.02	4.54	6.75	11.43	12.25

Appendix

(Note: Exhibits 1, 2 and 3 will not be shown in the Code of Federal Regulations.)

Exhibit No. and Title.

1. Initial sample of utilities.

2. Utilities excluded from the sample for the indicated quarter due to either zero dividends or a cut in dividends for that quarter or the prior three quarters.

3. Quarterly divided yields for the indicated quarter for utilities retained in the sample.

Source of data: Standard and Poor's Compustat Services Inc., Utility Compustat ® II Quarterly Data Base.

BILLING CODE 6717-01-M

UTILITY	TICKER SYMBOL
ALLEGHENY POWER SYSTEM	AYP
AMERICAN ELECTRIC POWER	AEP
ATLANTIC CITY ELECTRIC	ATE
AZP GROUP INC	AZP
BALTIMORE GAS & ELECTRIC	BGE
BLACK HILLS CORP	BKH
BOSTON EDISON CO	BSE
CAROLINA POWER & LIGHT	CPL
CENTERIOR ENERGY CORP	CX
CENTRAL & SOUTH WEST CORP	CSR
CENTRAL HUDSON GAS & ELEC	CNH
CENTRAL ILL PUBLIC SERVICE	CIP
CENTRAL LOUISIANA ELECTRIC	CNL
CENTRAL MAINE POWER CO	CTP
CENTRAL VERMONT PUB SERV	CV
CILCORP INC	CER
CINCINNATI GAS & ELECTRIC	CIN
COMMONWEALTH EDISON	CWE
COMMONWEALTH ENERGY SYSTEM	CES
CONSOLIDATED EDISON OF NY	ED
CONSUMERS POWER CO	CMS
DELMARVA POWER & LIGHT	DEW
DETROIT EDISON CO	DTE
DOMINION RESOURCES INC-VA	D
DPL INC	DPL
DUKE POWER CO	DUK
DUQUESNE LIGHT CO	DQU
EASTERN UTILITIES ASSOC	EUA
EMPIRE DISTRICT ELECTRIC CO	EDE
FITCHBURG GAS & ELEC LIGHT	FGE
FLORIDA PROGRESS CORP	FPC
FPL GROUP INC	FPL
GENERAL PUBLIC UTILITIES	GPU
GREEN MOUNTAIN POWER CORP	GMP
GULF STATES UTILITIES CO	GSU
HAWAIIAN ELECTRIC INDS	HE
HOUSTON INDUSTRIES INC	HOU
I E INDUSTRIES INC	IEL
IDAHO POWER CO	IDA
ILLINOIS POWER CO	IPC
INTERSTATE POWER CO	IPW
IOWA RESOURCES INC	IOR
IOWA-ILLINOIS GAS & ELEC	IWG
IPALCO ENTERPRISES INC	IPL
KANSAS CITY POWER & LIGHT	KLT
KANSAS GAS & ELECTRIC	KGE
KANSAS POWER & LIGHT	KAN
KENTUCKY UTILITIES CO	KU
LONG ISLAND LIGHTING	LIL
LOUISVILLE GAS & ELECTRIC	LOU
MAINE PUBLIC SERVICE	MAP
MIDDLE SOUTH UTILITIES	MSU
MIDWEST ENERGY CO	MWE
MINNESOTA POWER & LIGHT	MPL
MONTANA POWER CO	MTP
NEVADA POWER CO	NVP
NEW ENGLAND ELECTRIC SYSTEM	NES
NEW YORK STATE ELEC & GAS	NGE
NEWPORT ELECTRIC CORP	NPT
NIAGARA MOHAWK POWER	NMK
NORTHEAST UTILITIES	NU
NORTHERN INDIANA PUBLIC SERV	NI
NORTHERN STATES POWER-MN	NSP
OHIO EDISON CO	OEC
OKLAHOMA GAS & ELECTRIC	OGE
ORANGE & ROCKLAND UTILITIES	ORU
PACIFIC GAS & ELECTRIC	PCG
PACIFICORP	PPW
PENNSYLVANIA POWER & LIGHT	PPL
PHILADELPHIA ELECTRIC CO	PE
PORTLAND GENERAL CO	PGN
POTOMAC ELECTRIC POWER	POM
PUBLIC SERVICE CO OF COLO	PSR
PUBLIC SERVICE CO OF IND	PIN
PUBLIC SERVICE CO OF N H	PNH
PUBLIC SERVICE CO OF N MEX	PNM
PUBLIC SERVICE ENTERPRISES	PEG
PUGET SOUND POWER & LIGHT	PSD
ROCHESTER GAS & ELECTRIC	RGS
SAN DIEGO GAS & ELECTRIC	SDO
SAVANNAH ELEC & POWER	SAV
SCANA CORP	SCG
SIERRA PACIFIC RESOURCES	SRP
SOUTHERN CALIF EDISON CO	SCE
SOUTHERN CO	SO
SOUTHERN INDIANA GAS & ELEC	SIG
ST JOSEPH LIGHT & POWER	SAJ
TECO ENERGY INC	TE
TEXAS UTILITIES CO	TXU
TNP ENTERPRISES INC	TNP
TUCSON ELECTRIC POWER CO	TEP
UNION ELECTRIC CO	UEP
UNITED ILLUMINATING CO	UIL
UTAH POWER & LIGHT	UTP
UTILICORP UNITED INC	UCU
WASHINGTON WATER POWER	WWP
WISCONSIN ELECTRIC POWER	WPC
WISCONSIN POWER & LIGHT	WPL
WISCONSIN PUBLIC SERVICE	WPS

EXHIBIT 1

UTILITIES EXCLUDED FROM THE SAMPLE FOR THE INDICATED QUARTER
DUE TO EITHER ZERO DIVIDENDS OR A CUT IN DIVIDENDS FOR
THIS QUARTER OR THE PRIOR THREE QUARTERS

YEAR=86 QUARTER=3

TICKER SYMBOL	UTILITY	REASON FOR EXCLUSION
CMS	CONSUMERS POWER CO	DIVIDEND RATE WAS ZERO FOR THE QUARTER ENDING 09/30/86
CX	CENTERIOR ENERGY CORP	DIVIDEND RATE REDUCED IN THE QUARTER ENDING 09/30/86
DQU	DUQUESNE LIGHT CO	DIVIDEND RATE REDUCED IN THE QUARTER ENDING 06/30/86
FGE	FITCHBURG GAS & ELEC LIGHT	DIVIDEND RATE WAS ZERO FOR THE QUARTER ENDING 09/30/86
GPU	GENERAL PUBLIC UTILITIES	DIVIDEND RATE WAS ZERO FOR THE QUARTER ENDING 09/30/86
GSU	GULF STATES UTILITIES CO	DIVIDEND RATE WAS ZERO FOR THE QUARTER ENDING 09/30/86
KGE	KANSAS GAS & ELECTRIC	DIVIDEND RATE REDUCED IN THE QUARTER ENDING 12/31/85
KLT	KANSAS CITY POWER & LIGHT	DIVIDEND RATE REDUCED IN THE QUARTER ENDING 06/30/86
LIL	LONG ISLAND LIGHTING	DIVIDEND RATE WAS ZERO FOR THE QUARTER ENDING 09/30/86
MAP	MAINE PUBLIC SERVICE	DIVIDEND RATE WAS ZERO FOR THE QUARTER ENDING 03/31/86
MSU	MIDDLE SOUTH UTILITIES	DIVIDEND RATE WAS ZERO FOR THE QUARTER ENDING 09/30/86
NI	NORTHERN INDIANA PUBLIC SERV	DIVIDEND RATE WAS ZERO FOR THE QUARTER ENDING 09/30/86
PIN	PUBLIC SERVICE CO OF IND	DIVIDEND RATE WAS ZERO FOR THE QUARTER ENDING 09/30/86
PNH	PUBLIC SERVICE CO OF N H	DIVIDEND RATE WAS ZERO FOR THE QUARTER ENDING 09/30/86

N= 14

EXHIBIT 2

YEAR=86 QUARTER=3

TICKER SYMBOL	PRICE, 1ST MONTH OF QRTR-HIGH	PRICE, 1ST MONTH OF QRTR-LOW	PRICE, 2ND MONTH OF QRTR-HIGH	PRICE, 2ND MONTH OF QRTR-LOW	PRICE, 3RD MONTH OF QRTR-HIGH	PRICE, 3RD MONTH OF QRTR-LOW	DIVIDENDS: ANNUAL RATE	ANNUALIZED DIVIDEND YIELD
AEP	30.000	26.250	31.500	28.000	30.750	25.625	2.260	7.878
ATE	44.375	38.125	46.625	41.750	45.250	33.875	2.620	6.288
AYP	49.500	43.250	53.500	47.625	51.875	43.500	2.920	6.057
AZP	31.250	28.375	32.000	27.500	31.875	28.000	2.720	9.117
BGE	36.250	32.250	39.875	34.750	37.750	29.875	1.800	5.125
BKH	28.000	23.625	27.000	25.375	26.000	22.000	1.140	4.500
BSE	54.000	49.000	55.750	50.000	55.500	49.000	3.440	6.589
CER	39.500	36.250	42.500	38.500	40.750	34.000	2.280	5.909
CES	43.500	38.875	45.750	40.125	45.500	37.250	2.720	6.502
CIN	28.500	24.375	31.125	26.500	30.000	24.500	2.160	7.855
CIP	30.250	25.625	30.250	28.250	29.250	24.250	1.680	6.004
CNH	38.500	32.750	39.750	36.250	39.875	34.500	2.960	8.014
CNL	38.000	32.250	37.500	34.625	37.125	33.125	2.080	5.869
CPL	39.375	33.500	42.750	37.125	42.000	35.125	2.680	6.995
CSR	34.750	31.000	37.375	32.625	37.500	31.000	2.140	6.286
CTP	19.875	17.000	19.750	17.375	20.000	17.125	1.400	7.559
CV	27.875	25.000	28.250	24.500	29.250	25.875	1.900	7.092
CWE	33.250	30.625	34.875	30.625	34.750	31.250	3.000	9.213
D	49.250	41.875	52.125	47.000	49.875	43.000	2.840	6.019
DEW	37.500	33.625	38.125	34.750	37.125	30.375	2.020	5.730
DPL	28.000	23.500	28.875	26.375	29.125	23.250	2.000	7.541
DTE	17.625	16.250	18.500	16.125	18.500	16.250	1.680	9.763
DUK	49.500	44.875	52.000	47.750	50.375	41.250	2.680	5.627
ED	50.500	43.000	52.875	48.250	52.250	44.000	2.680	5.528
EDE	34.375	30.125	36.000	32.250	35.125	30.125	1.880	5.697
EUA	37.125	33.750	37.375	33.625	37.875	31.375	2.180	6.195
FPC	45.000	38.875	47.000	42.000	44.875	35.500	2.280	5.402
FPL	35.750	31.250	38.000	34.250	35.500	28.625	2.040	6.018
GMP	28.750	26.250	30.875	26.250	30.125	28.500	1.800	6.325
HE	35.500	30.750	34.750	32.500	33.750	29.750	1.720	5.239
HOU	34.875	30.500	37.000	33.250	36.375	31.125	2.800	8.271
IDA	29.000	26.500	30.875	26.750	29.375	23.750	1.800	6.496
IEL	26.625	23.000	27.750	25.625	27.750	23.000	1.940	7.571
IOR	26.250	23.375	27.375	24.625	27.500	22.000	1.600	6.352
IPC	27.750	25.500	32.000	26.000	32.000	28.000	2.640	9.250
IPL	55.250	49.000	59.000	52.500	56.500	47.250	3.040	5.709
IPW	31.625	27.000	30.875	29.000	29.250	25.625	1.960	6.783
IWG	46.750	41.250	46.500	42.500	46.500	39.250	2.900	6.622
KAN	61.125	52.500	65.000	60.000	61.750	50.000	3.160	5.411
KU	45.125	39.250	48.125	43.000	43.750	37.250	2.520	5.895
LOU	40.875	37.250	44.375	39.875	43.500	37.750	2.600	6.403
MPL	32.875	26.500	34.875	29.000	32.875	24.000	1.520	5.063
MTP	43.250	37.125	43.375	39.125	39.750	36.125	2.480	6.232
MWE	26.000	22.750	26.000	24.125	25.500	19.500	1.480	6.172
NES	33.125	27.375	35.250	30.875	35.250	26.500	1.920	6.115
NGE	35.875	32.250	37.875	33.625	38.500	30.000	2.640	7.611
NMK	24.000	21.500	24.875	22.625	24.125	19.250	2.080	9.151
NPT	21.875	21.125	22.250	20.875	22.750	20.375	1.500	6.963
NSP	38.000	33.125	39.750	35.750	40.125	31.000	1.900	5.235
NU	25.625	20.750	28.250	24.125	26.875	22.250	1.680	6.817
NVP	25.188	21.125	24.750	22.500	24.625	19.125	1.440	6.292

EXHIBIT 3
page 1 of 2

ANNUALIZED DIVIDEND YIELDS FOR THE INDICATED QUARTER FOR UTILITIES RETAINED IN THE SAMPLE

16:20 MONDAY, OCTOBER 6, 1986 5

YEAR=86 QUARTER=3

TICKER SYMBOL	PRICE, 1ST MONTH OF QRTR-HIGH	PRICE, 1ST MONTH OF QRTR-LOW	PRICE, 2ND MONTH OF QRTR-HIGH	PRICE, 2ND MONTH OF QRTR-LOW	PRICE, 3RD MONTH OF QRTR-HIGH	PRICE, 3RD MONTH OF QRTR-LOW	DIVIDENDS: ANNUAL RATE	ANNUALIZED DIVIDEND YIELD
OEC	20.125	18.750	22.500	19.500	22.000	18.000	1.920	9.531
OGE	37.000	31.125	38.750	35.625	37.500	32.000	2.080	5.887
ORU	37.500	34.875	40.000	36.000	38.625	31.125	2.180	5.997
PCG	25.750	22.375	27.500	24.250	27.375	22.250	1.920	7.706
PE	23.000	19.875	25.125	22.375	23.500	20.250	2.200	9.842
PEG	44.250	36.625	48.250	42.000	44.875	38.625	2.960	6.975
PGN	35.500	30.000	36.750	32.000	34.500	28.250	1.960	5.970
PNM	35.875	33.000	37.750	33.250	37.875	32.500	2.920	8.333
POM	52.125	45.875	59.250	49.250	54.375	43.125	2.360	4.658
PPL	39.125	33.375	43.375	37.750	41.875	35.250	2.600	6.761
PPW	36.750	34.000	38.000	33.625	37.875	32.000	2.400	6.784
PSD	24.000	22.000	24.625	20.750	25.250	20.750	1.760	7.687
PSR	20.375	18.750	21.375	19.625	21.375	16.000	2.000	10.213
RGS	28.875	25.375	29.125	25.750	29.875	24.750	2.200	8.061
SAJ	36.750	32.000	37.125	35.000	36.250	33.875	1.820	5.175
SAV	18.313	16.875	20.875	17.187	22.250	16.750	0.880	4.704
SCE	35.875	30.375	38.750	34.625	38.125	31.125	2.280	6.549
SCG	42.000	35.500	42.875	38.500	41.750	34.500	2.240	5.716
SDO	40.375	34.500	42.375	37.625	42.500	34.375	2.380	6.162
SIG	41.000	34.375	41.250	37.500	40.250	35.125	1.960	5.124
SO	26.125	23.375	27.250	23.750	27.000	23.000	2.040	8.133
SRP	25.750	24.000	29.000	24.375	27.750	23.750	1.720	6.674
TE	54.875	46.375	52.250	48.750	50.125	41.875	2.520	5.138
TEP	64.875	57.250	65.000	62.125	63.500	51.000	3.300	5.443
TNP	24.000	20.500	23.750	22.250	22.750	20.000	1.320	5.944
TXU	33.875	30.250	37.500	33.125	37.000	31.250	2.680	7.921
UCU	33.875	29.750	34.375	32.375	34.625	31.125	1.480	4.528
UEP	29.250	25.000	31.750	28.125	30.625	25.625	1.840	6.480
UIL	33.250	30.125	36.125	30.750	36.250	31.125	2.320	7.044
UTP	35.000	29.500	37.250	33.375	34.750	29.125	2.320	6.995
WPC	59.500	53.500	64.500	58.125	61.375	52.250	2.680	4.604
WPL	57.250	49.250	60.250	55.250	57.625	48.500	2.960	5.413
WPS	56.500	50.500	63.000	56.500	60.500	51.250	3.000	5.322
WWP	31.625	29.000	31.250	28.375	30.750	27.000	2.480	8.360

N= 85

EXHIBIT 3
page 2 of 2

[FR Doc. 86-23723 Filed 10-20-86; 8:45 am]
BILLING CODE 6717-01-C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lasalocid

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the animal drug regulations for use of lasalocid in free-choice pasture cattle feeds to emphasize that each use of lasalocid to make Type C free-choice feeds must be the subject of an approved new animal drug application (NADA) or supplemental NADA. In addition, the regulations are amended to insert certain portions of the regulation inadvertently not previously included.

EFFECTIVE DATE: October 21, 1986.

FOR FURTHER INFORMATION CONTACT: Richard P. Lehmann, Center for Veterinary Medicine (HFV-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3134.

SUPPLEMENTARY INFORMATION: Hoffmann-La Roche, Inc., Nutley, NJ 07110, is sponsor of approved NADA 96-298 which provides for use of 15-, 20-, 33.1- and 50-percent lasalocid Type A articles to make 10- to 30-gram-per-ton Type C lasalocid feeds for beef cattle and sheep. In codifying the approved uses in 21 CFR 558.311, FDA inadvertently failed to amend paragraphs (a) (1) and (3) to include all uses of the Type A articles. In addition, the use of a lasalocid Type C feed as a free-choice cattle feed (paragraph (d)(11)) has been subject to misinterpretation. The regulation is amended to include all approved uses and to further clarify the approved use as a free-choice cattle feed.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

§ 558.311 [Amended]

2. Section 558.311 *Lasalocid* is amended in paragraph (a)(1) by revising the phrase "(d) (1), (2), (3), and (4)" to read "(d) (1), (2), (3), (4), and (10);" in paragraph (a)(3) by revising the phrase "(d) (6) and (7)" to read "(d) (6), (7), (9), and (11) and for sheep as in paragraph (d)(8);" and in paragraph (d) in the table in item (11) in the fourth column under "Limitations" by adding at the end of the text the phrase "Each use in a free-choice Type C feed must be the subject of an approved NADA or supplemental NADA as provided in § 510.455 of this chapter."

Dated: October 15, 1986.

Marvin A. Norcross,

Associate Director for New Animal Drug Evaluation.

[FR Doc. 86-23682 Filed 10-20-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 19

[T.D. ATF-237; Re: Notice No. 580]

Labeling of Distilled Spirits in Percent-Alcohol-by-Volume

Correction

In FR Doc. 86-22969 beginning on page 36392 in the issue of Friday, October 10, 1986, make the following correction: On page 36395, in the third column, in amendatory instruction 9, in the first line, the date should read, "October 10, 1988".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

Amendments to the North Dakota Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule.

SUMMARY: The Director, OSMRE is announcing the approval of proposed amendments submitted by the State of North Dakota as modifications to its permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendments, submitted May 30, 1986, include modifications to the State's regulations concerning the following subject areas: Coal preparation and coal preparation plants; sedimentation pond removal prior to the end of the revegetation liability period; suitable plant growth material; and backfilling and grading.

After providing opportunity for public comment and conducting a thorough review of the proposed amendments, the Director has determined that the proposed modifications meet the requirements of SMCRA and Federal regulations. He is, therefore, approving the proposed amendments as submitted on May 30, 1986. The Federal rules at 30 CFR Part 934 codifying decisions concerning the North Dakota program are being amended to implement this action.

The final rule is being made effective immediately to expedite the State program amendment process and to encourage States to conform their programs with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

EFFECTIVE DATE: October 21, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry R. Ennis, Director, Office of Surface Mining Reclamation and Enforcement, Casper Field Office, Federal Building, 100 East B Street, Room 2128, Casper, Wyoming 82601-1918; Telephone: (307) 261-5776.

SUPPLEMENTARY INFORMATION:

I. Background

Information concerning the general background on the permanent program, general background on the State program approval process, general background on the North Dakota program submission, Secretary's findings, disposition of public comments, and Secretary's decision of conditional approval can be found in the December 15, 1980 **Federal Register** (45 FR 82214). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 934.11 and 934.15.

II. Submission of Amendments

On May 30, 1986, the State of North Dakota submitted proposed amendments to its approved permanent regulatory program. The amendment package consists of revisions to the approved North Dakota regulations. The amended sections of the regulations, North Dakota Administrative Code

(NDAC), and brief description of the amended subject areas are as follows: Section 69-05.2-01-02 (11) and (12)—new definitions of "coal preparation" and "coal preparation plant", and deletion of definition of "coal processing plant"; sections 69-05.2-09-19 and 69-05.2-13-13—new permit application requirements and performance standards for coal preparation plants; sections 69-05.2-16-04(1)(b) and 69-05.2-16-09(22)—criteria for allowing the removal of sedimentation ponds and other treatment facilities prior to the end of the revegetation responsibility period; section 69-05.2-15-01—proposed repeal of language governing suitable plant growth material; sections 69-05.2-15-02, -03(2), and -04—revised regulations governing the removal, storage and protection, and redistribution of suitable plant growth material; section 69-05.2-21-03—revised backfilling and grading requirements for covering exposed coal seams and toxic-forming and combustible materials; and section 69-05.2-08-05(2)(c)(5)—addition of saturation percentage to overburden analysis requirements.

The June 19, 1986 **Federal Register** announced receipt of the proposed amendments and invited public comment (51 FR 22307). The public comment period ended July 21, 1986. A public hearing scheduled for July 14, 1986 was not held since no person requested the hearing.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendments submitted to OSMRE by the State of North Dakota on May 30, 1986. The Director finds that the amended provisions meet the requirements of SMCRA and 30 CFR Chapter VII. The Director may require further changes in the future as a result of the ongoing review of the North Dakota program in light of Federal regulatory revisions and court decisions.

1. NDAC 69-05.2-01-02 (11) and (12)

North Dakota has added new definitions of "coal preparation" and "coal preparation plant" at 69-05.2-01-02 (11) and (12) to correspond to similar changes in the Federal definitions at 30 CFR 701.5. The new definitions do not exclude processes and facilities which do not separate coal from its impurities, and specifically include those involved with the chemical or physical processing and the cleaning, concentration, or other processing or preparation of coal. The new definition of "coal preparation plant" replaces the State's previous definition of "coal processing plant". The Director finds the new State definitions at 69-05.2-01-02 (11) and (12) no less effective than the revised Federal definitions at 30 CFR 701.5.

2. NDAC 69-05.2-09-19

North Dakota has added a new section 69-05.2-09-19 specifying permit application requirements for operations and reclamation plans for coal preparation plants not located within the permit area of a mine to correspond to similar amendments to the Federal rules at 30 CFR 785.21(d) and (e), and existing rules at 30 CFR 785.21 (a), (b), and (c). Specifically, the new regulations require that a permit to operate must be obtained from the commission; that the application for a permit for operations shall contain an operation and reclamation plan; that no permit shall be issued for an operation without written findings by the commission; that persons who operate coal preparation plants not previously subject to this rule shall apply for a permit within 120 days after the rule becomes effective; and that under certain circumstances a person operating a coal preparation plant not subject to this rule prior to the effective date of approval may continue to operate without a permit. The Director finds the new State regulations at 69-05.2-09-19 no less effective than the Federal regulations at 30 CFR 785.21.

3. NDAC 69-05.2-13-13

North Dakota has added a new section 69-05.2-13-13 specifying general requirements for performance standards for coal preparation plants not located within the permit area of a mine to correspond to similar amendments to the Federal rules at 30 CFR 827.12. Specifically, the new regulations require each person who operates a coal preparation plant not within the permit area for a specific mine, other than those plants which are located at the site of ultimate coal use, to obtain a permit and a bond, and comply with the following State regulations for signs and markers; stream channel diversions; drainage; permanent impoundments; dams constructed of or impounding coal processing waste; disposal of coal processing waste, non-coal mine waste, and excess spoil; protection of fish, wildlife, and related environmental values; support facilities; roads; cessation of operations; control of erosion and attendant air pollution; avoidance of underground mine areas; and reclamation. The Director finds the new State regulations at 69-05.2-13 no less effective than the Federal regulations at 30 CFR 827.12.

4. NDAC 69-05.2-16-04(1)(b) and 69-05.2-16-09(22)

North Dakota has revised section 69-05.2-16-04(1)(b) hydrologic balance performance standards for water quality standards and effluent limitations and section 69-05.2-16-09(22) hydrologic balance performance standards for sedimentation ponds to correspond to similar changes in the Federal rules at 30 CFR 816.46(b)(5). Specifically, the revised regulations allow sedimentation pond and other treatment facility removal when authorized by the Commission and the disturbed area has been stabilized and revegetated. Additionally, the structure shall not be removed sooner than two years after the last augmented seeding, unless the last augmented seeding is a supplemental seeding into an established vegetation stand that is effectively controlling erosion.

The Federal rule at 30 CFR 816.46(b)(5) requires satisfaction of two similar, separate tests for siltation structure removal; however, it does not contain the exception to the timeframe of the last augmented seeding, as does the North Dakota amendment. The Director finds that, since the purpose of siltation structures is to prevent additional contributions to the streamflow that are caused by mining disturbances, and North Dakota requires that the disturbed area be stabilized and revegetated prior to sedimentation pond removal and Phase II bond release, the intent of the Federal rule is met by North Dakota's provisions. Further, North Dakota's "last augmented seeding" is the seeding that actually provides established vegetation that is effectively controlling erosion. Since North Dakota's exception specifies that the supplemental seeding must be into an established vegetation stand that is effectively controlling erosion, it is a normal husbandry practice and has no effect on the sedimentation pond removal timeframe.

The Director's decision is also based on the interpretation that North Dakota will be required to restart the extended revegetation liability period if any further augmented seeding occurs beyond the last augmented seeding under NDAC 69-05.2-22-07, including any supplemental seeding for the purpose of obtaining desired seasonality and diversity, which are not considered normal husbandry practices.

OSMRE will be evaluating closely the State's application of this provision as part of its ongoing program oversight process to ensure that the State's

application of this requirement is no less effective than the Federal provisions.

The Director, therefore, finds the revised State regulations at 69-05.2-16-04(1)(b) and 69-05.2-16-09(22) no less effective than the Federal regulations at 30 CFR 816.46(b)(5).

5. NDAC 69-05.2-15-01

North Dakota has proposed to repeal 69-05.2-15-01 general requirements for performance standards for suitable plant growth material. The Director finds that the deletion of 69-05.2-15-01 does not render the North Dakota program less effective than 30 CFR 816.22. All substantive requirements are contained in 69-05.2-15-02, -03, and -04.

6. NDAC 69-05.2-15-02

North Dakota has revised section 69-05.2-15-02 performance standards for removal of suitable plant growth material. Specifically, subsections 1, 2, and 3 involving timing, materials to be removed and saved, and materials to be removed in shallow suitable plant growth material situations, respectively, were primarily rewritten for clarity. Additionally, subsection 1 includes material deleted from 69-05.2-15-01; subsection 2(b) provides new language which requires all topsoil to be removed from all areas to be disturbed except in areas of minor disturbances which occur at the site of small structures, and sufficient topsoil to be removed from all areas to be disturbed to satisfy redistribution requirements; and subsection 3 allows the commission more discretion when specifying the materials to be removed in shallow suitable plant growth material situations. New subsection 4 adds a provision for an exemption for suitable plant growth material removal for minor disturbances. Subsection 5(a) revises required analysis and demonstration requirements for topsoil supplements. Subsection 5(b) contains minor changes for clarity. New subsection 5(c) specifies requirements for subsoil substitutes. Subsection 5(d) includes the requirements for substitute materials in addition to supplemental materials. Existing subsection 5 has been proposed for deletion as it is redundant with North Dakota Century Code (NDCC) 38-14.1-24(4). The Director finds the revised regulations at 69-05.2-15-02 no less effective than the Federal regulations at 30 CFR 816.22.

7. NDAC 69-05.2-15-03(2)

North Dakota has revised section 69-05.2-15-03(2) performance standards for storage and protection of suitable plant growth material. Specifically, subsection 2, involving suitable plant growth material to be stockpiled, has been rewritten for clarity. The Director finds the revised regulations at 69-05.2-15-03 no less effective than the Federal regulations at 30 CFR 816.22.

8. NDAC 69-05.2-15-04

North Dakota has proposed significant revisions to section 69-05.2-15-04 performance standards for redistribution of suitable plant growth material, in particular with the addition of a new subsection 4 concerning the amount of suitable plant growth material to be redistributed. The other subsections contain only minor revisions. There is no specific Federal counterpart to North Dakota's proposed subsection 4.

The new provision allows the operator to use either the existing suitable plant growth material redistribution requirements based on the inventory and soil survey, or the new requirements based on the graded soil characteristics which include texture, sodium adsorption ratio, and saturation percentage, and corresponding total redistribution thicknesses. Subsection 4(a)(2)(a) relates the amount of suitable plant growth material to be salvaged and respread to the chemical and physical characteristics of the graded spoil material. This proposal is supported by considerable agricultural research in North Dakota, summarized in North Dakota State University Agricultural Experiment Station Bulletin 514, *Soil Replacement for Reclamation of Stripmined Lands in North Dakota*, July 1984. Subsection 4(a)(2)(b) provides for spoil properties of the graded spoil to be determined by a commission evaluation. Subsection 4(a)(2)(c) provides for review of the new proposed standards prior to the year 1992 to evaluate their effectiveness.

The redistribution of suitable plant growth materials according to this new provision should result in improved reclamation and increased productivity of desired species. The Director finds the revised regulations at 69-05.2-15-04 no less effective than the Federal regulations at 30 CFR 816.22.

9. NDAC 69-05.2-21-03

North Dakota has revised section 69-05.2-21-03 backfilling and grading performance standards for covering coal and toxic-forming materials to correspond to similar changes in the Federal regulations at 30 CFR 816.102(f). The proposed revisions require exposed coal seams and toxic-forming and combustible materials to be adequately covered with nontoxic and noncombustible materials rather than by a specific minimum of four feet of material. The Director finds the revised regulations at 69-05.2-21-03 no less effective than the Federal regulations at 30 CFR 816.102(f).

10. NDAC 69-05.2-08-05(2)(c)(5)

North Dakota has revised section 69-05.2-08-05(2)(c)(5) permit application requirements for geology description of the permit area. Specifically, North Dakota has added saturation percentage to overburden analysis requirements at subsection (2)(c)(5) to support revised 69-05.2-15-04(4) and 69-05.2-21-03. There is no direct Federal counterpart to the State's proposed requirement. The Director finds the revised regulations at 69-05.2-08-05(2)(c)(5) no less effective than the Federal regulations at 30 CFR 780.22.

IV. Public Comments

The Director solicited public comment on the proposed amendments in the June 19, 1986 **Federal Register** (51 FR 22307). No comments were received.

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(10)(i), comments were also solicited from various Federal agencies. No substantive comments were received from the respondents.

V. Director's Decision

The Director, based on the above findings, is approving the proposed amendments to the North Dakota program, as submitted on May 30, 1986. The Federal rules at 30 CFR Part 934 are being amended to implement this decision.

VI. Procedural Requirements

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act.* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule will not impose any new requirements; rather, it will ensure that

existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 934

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: October 14, 1986.

James W. Workman,

Deputy Director, Operations and Technical Services, Office of Surface Mining Reclamation and Enforcement.

PART 934—NORTH DAKOTA

30 CFR Part 934 is amended as follows:

1. The authority citation for Part 934 continues to read as follows:

Authority: Sec. 503, Pub. L. 95-87 (30 U.S.C. 1253), unless otherwise noted.

2. 30 CFR Part 934.15 is amended by adding a new paragraph (g) as follows:

§ 934.15 Approval of amendments to State regulatory program.

* * * * *

(g) The following amendments to the North Dakota permanent regulatory program, submitted to OSMRE May 30, 1986, are approved effective October 21, 1986.

(1) Addition of definitions to NDAC 69-05.2-01-02 (11) and (12) for "coal preparation" and "coal preparation plant", and deletion of the definition of "coal processing plant";

(2) Addition of NDAC 69-05.2-09-19 and 69-05.2-13-13 concerning permit application requirements and performance standards for coal preparation plants not located within the permit area of a mine;

(3) Modifications to NDAC 69-05.2-16-04(1)(b) and 69-05.2-16-09(22) concerning criteria for the removal of sedimentation ponds and other treatment facilities;

(4) Repeal of NDAC 69-05.2-15-01 concerning general requirements for performance standards for suitable plant growth material;

(5) Modifications to NDAC 69-05.2-15-02, 03(2), and 04 concerning the removal, storage and protection, and redistribution of suitable plant growth material;

(6) Modifications to NDAC 69-05.2-21-03 concerning revised backfilling and grading requirements for covering exposed coal seams and toxic-forming and combustible materials; and

(7) Modifications to NDAC 69-05.2-08-05(2)(c)(5) concerning addition of saturation percentage to overburden analysis requirements.

[FR Doc. 86-23724 Filed 10-20-86; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 162

[CGD 85-060]

Inland Waterway Navigation Regulations; Connecting Waters From Lake Huron to Lake Erie

AGENCY: Coast Guard, DOT.

ACTION: Final rule; technical amendment.

SUMMARY: The Coast Guard is amending the Inland Waterways Navigation Regulations for the connecting waters between Lake Huron and Lake Erie to update the name of the light at the junction of the St. Clair and Black Rivers. This amendment will bring the regulation into agreement with current Coast Guard and National Oceanic and Atmospheric Administration (NOAA) charts.

EFFECTIVE DATE: October 21, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Powers, Office of Navigation, (202) 267-0415. Normal working hours are from 7:30 a.m. to 4:00 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION: In the May 8, 1986 issue of the **Federal Register** (51 FR 17013), the Coast Guard published a rule, which among other matters, concerned a reporting requirement at the "Black River Entrance Light". After the rule was published, the Coast Guard was informed that the "Black River Entrance Light" was now named the "St. Clair/Black River Junction Light." The location of the light has not changed. This document reflects that change in the name by updating Table I in 33 CFR Part 162.

Since this change is merely editorial in nature, notice and public procedure thereon is unnecessary and it may be made effective in less than 30 days. In addition, the action in this document would not change the Regulatory Evaluation contained in the final rule published on May 8, 1986.

List of Subjects in 33 CFR Part 162

Navigation (water), Waterways.

In consideration of the foregoing, Part 162 of Title 33 is amended as follows:

1. The authority citation for Part 162 continues to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46(n)(4).

2. By amending Table I in § 162.132 by changing the words "Black River Entrance Light" in the second column under the heading "Reporting Points", to the words: "St. Clair/Black River Junction Light". Table I is revised to read as follows:

§ 162.132 Connecting waters from Lake Huron to Lake Erie; communication rules.

* * * * *

(e) * * *

TABLE I

Downbound vessels	Reporting points	Upbound vessels
Report	30 Minutes North of Lake Huron Cut.	
	Lighted Horn Buoy "11"	
Report	Lake Huron Cut Light "7"	
	Lake Huron Cut Lighted Buoy "1".	Report.
Report	St. Clair/Black River Junction Light.	Report.
	Stag Island Upper Light	Report.
Report	Marine City Salt Dock Light	Report.
Report	Grande Pointe Light "23"	
	St. Clair Flats Canal Light "2"	Report.
Report	Lake St. Clair Light	Report.
Report	Belle Isle Light	
Report	Grassy Island Light	Report.
Report	Detroit River Light	Report.

* * * * *

Dated: October 7, 1986.

Martin H. Daniell,

Chief, Office of Navigation.

[FR Doc. 86-23641 Filed 10-20-86; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[A-7-FRL-3091-7]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Kansas; Section 111(d) Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The state of Kansas has submitted its plan for the control of sulfuric acid mist emissions from existing sulfuric acid production plants. This plan was submitted in response to section 111(d) of the Clean Air Act, which requires states to establish emission controls for existing sources which would be subject to EPA's new source performance standards if these

sources were new sources. This notice advises the public that EPA takes final action to approve Kansas' 111(d) plan.

EFFECTIVE DATE: This action will be effective December 22, 1986, unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Comments should be sent to Deann K. Hecht, Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101. The state submission is available for inspection during normal business hours at the above address and at: the Kansas Department of Health and Environment, Forbes Field, Topeka, Kansas 66620.

FOR FURTHER INFORMATION CONTACT: Deann K. Hecht at (913) 236-2893, FTS 757-2893.

SUPPLEMENTARY INFORMATION:

I. Plan Requirements

Section 111 of the Clean Air Act provides authority for EPA to establish standards of performance for new stationary sources of air pollution. Section 111(d) and 40 CFR Part 60, Subpart B, require that each state adopt and submit a plan for the control of designated pollutants from existing facilities. Designated pollutants do not include those for which air quality criteria have been established or which are already listed under section 108(a), relating to development of air quality criteria for certain pollutants, or section 112(b)(1)(A), Hazardous Air Pollutants. After promulgation of a standard of performance for a designated pollutant from an affected facility, EPA publishes an applicable emission control guideline document and then publishes a notice in the **Federal Register** as to its availability. The state must submit its section 111(d) plan within nine months after the final guideline notice of availability. If there are no such designated facilities located within a state, the state is required to submit a letter of certification to that effect; i.e., a negative declaration.

The requirements for section 111(d) plans are contained in 40 CFR 60.23 through 60.26. The state is required to give proper notification and conduct at least one public hearing. The plan must contain emission standards and compliance schedules. The emission standards must be at least as stringent as those required by the federal guideline with certain case-by-case exemptions. The plan must also include an inventory of all designated facilities, including emissions data for the designated pollutants. The state must demonstrate that it has adequate legal authority to carry out the plan. For a complete description of the plan requirements, the reader is referred to the above-mentioned sections of the Code of Federal Regulations. Part 62 of the CFR provides the procedural framework for the submission of these plans.

II. Review of the State Submittal

On February 28, 1986, the state of Kansas submitted a plan for the control of sulfuric acid mist emissions from existing sulfuric acid production plants. On May 1, 1985, the state of Kansas submitted rule K.A.R. 28-19-26 for the control of sulfuric acid production plants. The public hearing was held on November 2, 1984, with proper public notice and participation. The state's sulfuric acid mist emission limit in rule K.A.R. 28-19-26 is 0.5 pounds of sulfuric acid mist per ton of acid produced. This is identical to the limit contained in EPA's "Final Guideline Document: Control of Sulfuric Acid Mist Emissions from Existing Sulfuric Acid Production Units" (EPA-450/2-77-019).

The state has adopted, by reference, EPA's compliance test methods for sulfuric acid mist emissions as specified in 40 CFR Part 60, Appendix A. There is one sulfuric acid production plant in Kansas and it is in compliance with the emission limit. Therefore, the state's plan does not include a compliance schedule.

The state's plan includes an inventory of the designated facility, including emission data for the designated pollutants. Additional inventory data are maintained on EPA's National Emissions Data System (NEDS), which is updated periodically. The state's section 111(d) emission inventory meets the requirements of 40 CFR 60.25 and 40 CFR Part 60, Appendix D. The state has identified reporting and recordkeeping requirements contained in the Kansas Air Pollution Control law, which were previously approved under section 110 of the Act.

III. EPA Action

Today's notice takes final action to approve the state of Kansas' section 111(d) plan for the control of sulfuric acid mist emissions from existing sulfuric acid production plants.

EPA believes this submission is noncontroversial and is taking final action to approve it without prior proposal. The public should be advised that this action will be effective within 60 days from today. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under 5 U.S.C. 605(b), I hereby certify that this section 111(d) plan will not have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days from today. This action may not be challenged later in proceedings to enforce its requirement (see section 307(b)(2)).

List of Subjects in 40 CFR Part 62

Air pollution control, Fluoride, Administrative practice and procedure, Intergovernmental relations, Reporting and recordkeeping requirements, Phosphate, Aluminum, Fertilizers, Paper and paper products industry, Sulfuric oxides, Sulfuric acid plants.

Dated: September 29, 1986.

Lee M. Thomas,

Administrator.

PART 62—[AMENDED]

Part 62 of Chapter I, Title 40 of the Code of Federal Regulations, is amended as follows:

Subpart R—Kansas

1. The authority citation for Part 62 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Subpart R is amended by adding § 62.4175 and the undesignated center heading preceding the section to read as follows:

Sulfuric Acid Mist From Existing Sulfuric Acid Production Plants

§ 62.4175 Identification of plan.

(a) *Identification of Plan.* State of Kansas Implementation Plan for Control of Sulfuric Acid Mist from Existing Sulfuric Acid Plants.

(b) The Plan was officially submitted on February 6, 1986.

(c) *Identification of Sources.* The Plan applies to existing facilities at the following existing sulfuric acid plant: (1) Koch Sulfur Products, DeSoto, Kansas.

[FR Doc. 86-22830 Filed 10-20-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Insurance Administration, Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations will be used in calculating flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

DATES: The effective dates for these modified base flood elevations are indicated on the following table and amend the Flood Insurance Rate Map(s) (FIRM) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed on the following table.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified flood elevations for each community listed. These modified elevations have been published in newspaper(s) of local circulation and ninety (90) days have elapsed since that publication. The Administrator, has resolved any appeals resulting from this notification.

Numerous changes made in the base (100-year) flood elevations on the FIRMs for each community make it administratively infeasible to publish in this notice all of the changes contained on the maps. However, this rule includes the address of the Chief Executive Officer of the community, where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65.

For rating purposes, the revised community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities.

These modified base flood elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

The changes in the base flood elevations are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood Insurance, flood plains.

The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

§ 65.4 [Amended]

2. Section 65.4 is amended by adding the following communities:

State and County	Location	Date and name of newspaper where notice was published	Chief executive office of community	Effective date of modification	Community No.
Arizona: Maricopa (FEMA Docket No. 6721).	City of Phoenix	May 19, 1986, and May 26, 1986 *Arizona Business Gazette*	Hon. Terry Goddard, mayor, city of Phoenix, City Hall, 25 West Washington, Phoenix, Arizona 85003.	May 5, 1986, Letter of Map Revision.	040051C
Arizona: Pima (FEMA Docket No. 6721)		May 7, 1986, and May 14, 1986 *Arizona Daily Star*	Hon. Sam Lena, Chairman, Pima County Board of Supervisors, 131 West Congress, Tucson, Arizona 85701.	Apr. 28, 1986, Letter of Map Revision.	040073
Arkansas: Benton	City of Bentonville (FEMA Docket No. 6721).	Apr. 23, 1986, Apr. 30, 1986 *Benton County Daily Democrat*	Hon. David Ford, mayor of the city of Bentonville, Benton County, 115 West Central Bentonville, Arkansas 72712.	Apr. 17, 1986, Letter of Map Revision.	050012
Texas: Tarrant (FEMA Docket No. 6728)	City of Arlington	Mar. 24, 1986, Mar. 31, 1986 *The Arlington Daily News*	Hon. Harold Patterson, mayor of the city of Arlington, P.O. Box 231, Arlington, Texas 76010.	Mar. 6, 1986	485454
Texas: Harris	Harris County (FEMA Docket No. 6721).	Apr. 30, 1986, May 7, 1986 *Houston Chronicle*	Hon. Jon Lindsay, Harris County Judge, Harris County Administration Building, 1001 Preston, Houston, Texas 77002.	Arp. 22, 1986	480287
Texas: Tarrant	City of North Richland Hills (FEMA Docket No. 6707).	Apr. 10, 1986, Apr. 17, 1986 *Fort Worth Star Telegram*	Hon. Dan Echols, mayor of the city of North Richland Hills, Tarrant County, P.O. Box 18609, North Richland Hills, Texas 76118.	Mar. 18, 1986	480607

Issued: September 26, 1986.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 86-23491 Filed 10-20-86; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA-6900]

Changes in Flood Elevation Determinations

AGENCY: Federal Insurance Administration, Federal Emergency Management Agency.

ACTION: Iterim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Administrator, reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table.

Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations on the FIRM(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection.

Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 65.4.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program.

These elevations, together with the flood plain management measures required by 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 65.4 is amended by adding the following communities:

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Florida: Collier	Unincorporated areas	Sept. 11, 1986, Sept. 18, 1986, *Naples Daily News*	Hon. John Pfistor, Chairman, Collier County Commission, Collier County Government Complex, 3301 E. Tamiami Trail, Naples, Florida 33942.	Sept. 5, 1986	120067
Georgia: Cobb	Unincorporated areas	Sept. 26, 1986, Oct. 3, 1986, *Marietta Daily Journal*	Hon. Earl E. Smith, Chairman, Cobb County Board of Commissioners, 10 E. Park Square, P.O. Box 649, Marietta, Georgia 30090-9602.	Sept. 17, 1986	130052
Georgia: Glynn	Unincorporated areas	Oct. 2, 1986, Oct. 9, 1986, *Brunswick News*	Hon. Michael E. Harrison, Chairman, Board of Commissioners, P.O. Box 879, Brunswick, Georgia 31521.	Sept. 18, 1986	130092
Iowa: Montgomery	City of Red Oak	Sept. 19, 1986, Sept. 26, 1986, *Red Oak Express*	Hon. Ray Gustafson, mayor, city of Red Oak, City Hall, 601 6th Street, Red Oak, Iowa 51566.	Sept. 11, 1986	190210
Tennessee: Shelby	Unincorporated areas	Sept. 11, 1986, Sept. 18, 1986, *Commercial Appeal*	Hon. William N. Morris, mayor, Shelby County, Shelby County Administrative Building, Suite 850, 160 N. Mid America Mall, Memphis, Tennessee 38103.	Aug. 29, 1986	470214
Texas: Aransas, Nueces & San Patricio	City of Aransas Pass	Sept. 24, 1986, Oct. 1, 1986, *Aransas Pass Progress*	Hon. Robert B. Watson, mayor of the city of Aransas Pass, P.O. Drawer X, 600 West Cleveland, Aransas Pass, Texas 78336.	Sept. 18, 1986	485453
Texas: Dallas	City of Irving	Sept. 3, 1986, Sept. 10, 1986, *Irving Daily News*	Hon. Bobby Joe Raper, mayor of the city of Irving, Dallas County, P.O. Box 2288, Irving, Texas 75061.	Aug. 26, 1986	480180

Issued: September 26, 1986.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 86-23626 Filed 10-20-86; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

Final Flood Elevation Determinations; California et al.

AGENCY: Federal Insurance Administration, Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program.

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing modified base flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below:

ADDRESSES: See table below:

FOR FURTHER INFORMATION CONTACT: Mr. John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal the proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in floodprone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been proposed. It does not involve any collection of information for purposes of The Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The modified base flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Any appeals of the proposed base flood elevations which were received have been resolved by the Agency.

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD). Modified
CALIFORNIA	
Los Angeles (city), Los Angeles County (FEMA Docket No. 6712)	
Pacific Ocean:	
Approximately 350 feet south of the center of the intersection of Pacific Coast Highway and Sunset Boulevard at the shoreline	*11
Approximately 500 feet southwest of the center of the intersection of Sunset Avenue and the Ocean Front Walk, at the shoreline	*12
Approximately 550 feet south of the center of the intersection of Paseo Del Mar and Western Avenue, at the shoreline	*13
Maps are available for review at the Department of Public Works, City Hall, 200 North Spring Street, Los Angeles, California.	
Red Bluff (city), Tehama County (FEMA Docket No. 6706)	
Sacramento River: Intersection of Willow Street and Riverside Way	*268
East Sand Slough Boulevard: 200 feet downstream from center of Antelope	*269
Paynes Creek Slough Boulevard: At center of Antelope	*272
Samson Slough Boulevard: 50 feet downstream from center of Antelope	*272
Maps are available for review at the City Planning Office, 555 Washington Street, Red Bluff, California 96080.	
Tehama (city), Tehama County (FEMA Docket No. 6706)	
Sacramento River: At the intersection of Second and G Streets	*215
Modified base flood elevations and their delineation are available for review at City Clerk's Office, City Hall, Tehama, California.	
Tehama County (unincorporated areas) (FEMA Docket No. 6706)	
Sacramento River:	
Intersection of Gyle Road and Hall Road	*213
Intersection of Sunrise Drive and Center Avenue	*270
Fifty feet upstream from center of Bend Bridge	*317
Intersection of North Marina Drive and Banner Way	*357
East Sand Slough: Fifty feet west of intersection of Gilmore Ranch Road and Sale Lane	*267
Payne Creek Slough: Intersection of Philbrook Avenue and Sykes Avenue	*268
Samson Slough: Intersection of Williams Avenue and Kazel Avenue	*267
Maps are available for review at the Building Department, Courthouse Annex, 633 Washington Street, Red Bluff, California.	
FLORIDA	
Hillsborough County (unincorporated areas) (FEMA Docket No. 6720)	
Tampa Bay:	
At the intersection of Coco Palm Circle and Bal Harbor Drive	*12
At the west end of Finale Lane	*12
At the intersection of Adagio Lane and Allegro Lane	*12
Maps available for inspection at the Department of Development Coordination, P.O. Box 1110, Tampa, Florida.	
La Belle (city), Hendry County (FEMA Docket No. 6720)	
Stream A:	
Just downstream of Withlecoochee Avenue	*12
About 50 feet downstream of the confluence of Stream C	*16
Just downstream of confluence of Stream D	*17
Maps available for inspection at the Public Works Department, Superintendent Frank P. Johnston, City Hall, P.O. Box 458, La Belle, Florida.	
INDIANA	
Edinburg (town), Bartholomew and Johnson Counties (FEMA Docket No. 6712)	
East Side Swale:	
About 800 feet downstream of County Line Road	*668
Just downstream of State Route 252	*671
Maps available for inspection at the town of Edinburg, P.O. Box 65, Edinburg, Indiana.	
Lebanon (city), Boone County (FEMA Docket No. 6720)	
Prairie Creek:	
Just upstream of Interstate 65	*924
About 150 feet upstream of Lafayette Avenue	*930
About 0.68 mile upstream of East Main Street	*938
Maps available for inspection at the Building Inspector's Office, 201 East Main Street, Lebanon, Indiana.	
MISSOURI	
Fenton (city), St. Louis County (FEMA Docket No. 6720)	
Meramec River:	
About 0.3 mile downstream of Gravois Road	*421
Just upstream of Interstate 44	*425

Source of flooding and location	# Depth in feet above ground. ²Elevation in feet (NGVD). Modified
About 3.1 miles upstream of Interstate 44	*429
Fenton Creek:	
Just downstream of State Highway 141	*421
About 0.2 mile downstream of Gravois Road	*425
Maps available for inspection at the Planning Department, City Hall, 625 New Smizer Mill Road, Fenton, Missouri.	
MONTANA	
Stillwater County (unincorporated areas) (FEMA Docket No. 6706)	
Keyser Creek: Approximately 80 feet upstream of the Columbus Water Users Association Ditch Flume	*3,628
Maps are available for review at the County Planning Office, Stillwater County Courthouse, Columbus, Montana.	
NEW JERSEY	
South River (borough), Middlesex County (FEMA Docket No. 6706)	
Raritan River: Entire shoreline of South River within community	*10
Maps available for inspection at the Office of Mr. William Reichenbach, Borough Clerk, 64–66 Main Street, South River, New Jersey.	
NEW YORK	
East Hampton (village), Suffolk County (FEMA Docket No. 6720)	
Atlantic Ocean:	
Shoreline of Lily Pond	*9
50 feet north of shoreline at Nichols Lane (extended)	*12
Maps available for inspection at the Village Hall, 27 Main Street, East Hampton, New York.	
Ocean Beach (village), Suffolk County (FEMA Docket No. 6720)	
Atlantic Ocean:	
200 feet south of intersection of Ocean Walk and Bayberry Walk	*13
Intersection of Bay View Walk and Cottage Walk	*6
Maps available for inspection at the Village Hall, Box 457, Ocean Beach, New York.	
Quogue (village), Suffolk County (FEMA Docket No. 6720)	
Atlantic Ocean:	
Entire shoreline within community	*15
South corner of intersection of Post Lane and Dune Road	*12
Quogue Canal:	
Approximately 300 feet northwest of intersection of Post Lane and Dune Road	*11
Approximately 300 feet north of intersection of Ocean Avenue and Niamogue Lane	*8
Shinnecock Bay:	
Shoreline at Bay Road (extended)	*10
Approximately 600 feet south of intersection of Stone Lane and Montauk Highway	*8
Quantuck Bay:	
Approximately 600 feet south of intersection of Barkers Lane and Main Street	*9
Approximately 500 feet north of Dune Road at the south western corporate limits	*11
Maps available for inspection at the Village Office, Jessup Avenue, Quogue, New York.	
NORTH CAROLINA	
Durham (city), Durham County (FEMA Docket No. 6720)	
Sandy Creek Tributary A:	
At mouth	*253
Just downstream of Westgate Drive	*273
Maps available for inspection at the Planning Department, 101 City Hall Plaza, Durham, North Carolina.	
NORTH DAKOTA	
Napoleon (city), Logan County (FEMA Docket No. 6720)	
McKenna Coulee: 50 feet downstream from center of State Highway 3	*1,948
Maps are available for inspection at the City Hall, 105 West Third, Napoleon, North Dakota.	
OHIO	
Columbus (city) Franklin and Fairfield Counties (FEMA Docket No. 6706)	
Blacklick Creek:	
At mouth	*728
About 0.63 mile upstream of mouth	*729
About 0.84 mile downstream of confluence of Tributary I	*757
About 0.26 mile upstream of Refugee Road	*796
About 450 feet downstream of confluence of Tributary E	*881
About 0.69 mile upstream of State Route 16	*904
Tributary I:	
At mouth	*765
About 0.43 mile upstream of mouth	*770
Maps available for inspection at the Development Regulation Division, City of Columbus, 140 Marconi Boulevard, Columbus, Ohio.	
Franklin County (unincorporated areas) (FEMA Docket No. 6706)	
Blacklick Creek:	
Just downstream of confluence of Tributary J	*737
About 1.74 miles upstream of Winchester Pike	*765
About 0.55 mile downstream of Long Road	*776
About 0.90 mile upstream of Long Road	*797
Just upstream of Livingston Avenue	*850
About 0.55 mile upstream of Livingston Avenue	*856
Just upstream of State Route 16	*891
Just downstream of Conrail located about 1.33 miles upstream of State Route 16	*922
Just upstream of Conrail located about 1.33 miles upstream of State Route 16	*928
About 400 feet upstream of Havens Road	*979
Just downstream of Morse Road	*1,018
Just downstream of Dublin Granville Road	*1,060
Just downstream of Central College Road	*1,084
Tributary A:	
At mouth	*1,073
About 200 feet upstream of mouth	*1,074
Tributary B:	
At mouth	*1,053
About 150 feet upstream of mouth	*1,054
Tributary B-1:	
At mouth	*988
About 100 feet upstream of mouth	*989
Tributary C:	
At mouth	*940
About 250 feet upstream of mouth	*942
Mason Run:	
At mouth	*739
About 0.37 mile upstream of Interstate 270	*741
Maps available for inspection at the Mid Ohio Regional Planning Commission, 295 E. Main Street, Columbus, Ohio.	
OKLAHOMA	
Ardmore (city), Carter County (FEMA Docket No. 6720)	
Hickory Tributary B:	
At upstream side of U.S. Highway 70 (without floodway)	*827.9
At downstream side of Rockford Road bridge (regulatory)	*828.7
Maps available for inspection at the City Hall, 23 South Washington Street, Ardmore, Oklahoma.	
Oklahoma County (FEMA Docket No. 6720)	
Deep Fork River:	
Approximately 1,140 feet downstream of Anderson Road	*953
Approximately 1,200 feet upstream of Anderson Road	*957
Downstream side of West Minister Road	*962
Maps available for inspection at the District 1 Warehouse. 7321 Northeast 23rd Street, Oklahoma City, Oklahoma.	
PENNSYLVANIA	
Greensburg (city), Westmoreland County (FEMA Docket No. 6692)	
Jack's Run:	
At Mt. Pleasant Street	*997
Upstream of East Pittsburgh Street	*1,001
Third upstream corporate limits	*1,012
Tributary No. 5:	
Confluence with Jack's Run	*1,012
Upstream of Union Cemetery Road	*1,015
Third upstream corporate limits	*1,025
Maps available for inspection at the Office of Ms. Barbara Ciampini, City Planning Department, City Hall, Greensburg, Pennsylvania.	
TENNESSEE	
Athens (city), McMinn County (FEMA Docket No. 6720)	
Oostanaula Creek:	
At confuence of Black Branch	*843
Just downstream of Dam located about 250 feet upstream of Louisville and Nashville Railroad	*888
Just upstream of Dam located about 250 feet upstream of Louisville and Nashville Railroad	*894
About 1,200 feet upstream of Tellico Avenue	*897
Black Branch:	
At confluence with Oostanaula Creek	*843
About 700 feet upstream of confluence with Oostanaula Creek	*844
Sokey Branch:	
At confluence with Oostanaula Creek	*873
About 750 feet upstream of Central Avenue	*874
Forest Branch:	
At confluence with Oostanaula Creek	*881
Just upstream of U.S. Highway 11	*884
Maps available for inspection at the City Hall, P.O. Box 849, Athens, Tennessee.	
TEXAS	
Aransas County (FEMA Docket No. 6706)	
Aransas Bay:	
Captains Cove	*9
Intersection of Sierra Sound and Windjammer	*9
Maps available for inspection at the Office of Mr. Leonard Specht, Aransas County Flood Plain Administrator, Aransas County Courthouse, Room 110, Rockport, Texas.	
WISCONSIN	
Fremont (village), Waupaca County (FEMA Docket No. 6720)	
Wolf River:	
About 2,100 feet downstream of U.S. Highway 10	*754
About 1.06 miles upstream of U.S. Highway 10	*755
Maps available for inspection at the Planning Commission, P.O. Box 278, Fremont, Wisconsin.	
Waukesha County (unincorporated areas) (FEMA Docket No. 6720)	
Pewaukee River:	
At mouth	*821
Just upstream of State Highway 164	*823
About 1.0 mile downstream of State Highway SS	*846

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD). Modified
About 1,350 feet downstream of State Highway JF	*853
About 1.0 mile upstream of Lisbon Road	*894
Maps available for inspection at the Waukesha County Park and Planning Commission, 500 Riverview Avenue, Waukesha, Wisconsin.	
Waupaca County (unincorporated areas) (FEMA Docket No. 6720)	
Wolf River:	
About 5.0 miles downstream of Soo Line Railroad	*754
About 2.83 miles upstream of County Trunk Highway X	*760
Maps available for inspection at the Waupaca County Zoning Administrator, Courthouse, 109 South Main Street, Waupaca, Wisconsin.	

Issued: September 26, 1986.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc 86-23703 Filed 10-20-86; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

Federal Insurance Administration; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are determined for the communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in floodprone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood Insurance, Flood Plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the 90-day period and the proposed base flood elevations have not been changed.

PROPOSED BASE (100-YEAR) FLOOD ELEVATION

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD) modified
ARIZONA	
Oro Valley (town), Pima County (FEMA Docket No. 6703)	
Canada del Oro Wash:	
Approximately 180 feet upstream from center of La Canada Drive Bridge	*2,737
Pusch Wash: At upstream face of El Conquistador Way culvert	*2,637
Pusch Wash, East Fork: Approximately 1,160 feet upstream from the confluence with Pusch Wash	*2,637
Pusch Wash, West Fork: Approximately 160 feet upstream from the confluence with Pusch Wash	*2,637
Maps available for inspection at the Town Engineer's Office, 680 W. Calle Concordia, Oro Valley, Arizona.	
ARKANSAS	
Clinton (city), Van Buren County (FEMA Docket No. 6706)	
South Fork Little Red River:	
At downstream corporate limits	*500
At confluence of Archey Creek Fork	*509
At upstream corporate limits	*534
Approximately 0.9 mile upstream of corporate limits	*537
Airport Branch:	
At confluence with South Fork Little Red River	*509
Approximately 150 feet upstream of State Route 16	*520
Approximately 1,500 feet upstream of State Route 16	*540
Archey Creek Fork:	
At confluence with South Fork Little Red River	*509
At confluence of Town Branch	*510
Approximately 60 feet upstream of U.S. Route 65	*522
At upstream corporate limits	*536
Approximately 650 feet upstream of upstream corporate limits	*537
Town Branch:	
At confluence with Archey Creek Fork	*510
Upstream side of Park Street	*513
Approximately 130 feet upstream of U.S. Route 65	*519
Upstream side of City Street	*558
Approximately 0.4 mile upstream of City Street	*602
Big Branch:	
Upstream side of U.S. Route 65	*533
At downstream corporate limits	*561
Approximately 1,360 feet upstream of downstream corporate limits	*608
Maps available for inspection at 404 Main, Clinton, Arkansas.	
CALIFORNIA	
Marin County (unincorporated areas) (FEMA Docket No. 6676)	
Bolinas Lagoon: 350 feet northwest of the western intersection of Dipsea and Seadrift Roads	*6
Pacific Ocean: At the southern terminus of Calle Del Sierra	*23
Maps available for inspection at Department of Public Works, Marin County Courthouse, 3rd Floor, San Rafael, California	
CONNECTICUT	
Hartford (city), Hartford County (FEMA Docket No. 6703)	
North Branch Park River:	
Upstream side of conduit entrance	*37
Upstream side of Asylum Avenue	*45
Upstream side of Albany Avenue	*54
Upstream corporate limits	*59

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD) modified
South Branch Park River:	
Upstream side of conduit entrance	*34
Upstream side of Flatbush Avenue	*44
Upstream corporate limits	*47
Connecticut River:	
Downstream corporate limits	*29
Upstream corporate limits	*31
Maps available for inspection at the Flood Commission Office and the City Clerk's Office; and The Department of Environmental Protection, Responsible Person: Ms. Patricia Williams, City Planning Department, City Hall, Hartford, Connecticut 06103.	
FLORIDA	
Branford (town), Suwannee County (FEMA Docket No. 6709)	
Suwannee River:	
About 1,200 feet downstream of U.S. Route 27	*36
About 2,000 feet upstream of U.S. Route 27	*37
Maps available for inspection at the City Clerk's Office, City Building, P.O. Box 822, Branford, Florida.	
Lafayette County (unincorporated areas) (FEMA Docket No. 6709)	
Suwannee River:	
About 2.92 miles downstream of Simms Landing	*30
About 2.4 miles upstream of Norfolk Southern Railway	*60
Maps available for inspection at the County Clerk's Office, Lafayette County Courthouse, Mayo, Florida.	
GEORGIA	
Hinesville (city), Liberty County, (FEMA Docket No. 6709)	
Mill Creek:	
About 1.1 miles downstream of confluence of Mill Creek Tributary No. 2	*72
About 0.9 mile upstream of confluence of Mill Creek Tributary No. 2	*77
Mill Creek Tributary No. 2:	
At mouth	*75
About 2,500 feet upstream of Pineland Avenue	*84
Peacock Creek:	
At confluence of Peacock Creek Tributary No. 1	*18
At northern corporate limits	*26
Peacock Creek Tributary No. 1:	
At confluence with Peacock Creek	*18
Just downstream of U.S. Route 82	*51
Maps available for inspection at the City Hall, 115 East South Street, Hinesville, Georgia.	
Richmond County (unincorporated areas), (FEMA Docket No. 6709)	
Savannah River:	
At downstream county boundary	*108
About 0.9 mile upstream of Sandbar Ferry Road	*140
Spirit Creek:	
At mouth	*125
Just downstream of Richmond Factory Pond Dam	*183
Just upstream of Richmond Factory Pond Dam	*192
About 0.5 mile upstream of Birdwell Road	*246
Spirit Creek Tributary No. 1:	
At mouth	*156
About 1.25 miles upstream of McDade Farm Road	*204
Spirit Creek Horsepen Branch:	
At mouth	*217
Just downstream of Willis Foreman Road	*237
Just upstream of Willis Foreman Road	*242
About 1.0 mile upstream of Willis Foreman Road	*276
Butler Creek:	
About 1,200 feet upstream of mouth	*119
Just downstream of dam for Fort Gordon Reservoir	*231
Just upstream of dam for Fort Gordon Reservoir	*256
Just downstream of Fort Gordon Highway	*275
Butler Creek Tributary No. 1:	
At mouth	*198
About 0.9 mile upstream of Morgan Road	*262
Butler Creek Tributary No. 2:	
At mouth	*263
Just downstream of Fort Gordon Highway	*273
Just upstream of Fort Gordon Highway	*281
Just downstream of Georgia Railroad	*285
Just upstream of Georgia Railroad	*294
Just downstream of dam	*310
About 400 feet upstream of dam	*325
Rocky Creek:	
At mouth	*121
Just downstream of Old Savannah Road	*134
Just upstream of Old Savannah Road	*139
Just downstream of Old McDuffie Road	*204
Just upstream of Old McDuffie Road	*213
Just downstream of Rosedale Dam	*220
Just upstream of Rosedale Dam	*240
Just downstream of Fort Gordon Highway	*287
Just upstream of Fort Gordon Highway	*294
Just downstream of Barton Chapel Road	*304
Just upstream of Barton Chapel Road	*311
Just downstream of Georgia Railroad	*318
Rocky Creek Tributary No. 1:	
At mouth	*122
About 2,200 feet upstream of Norfolk Southern Railway	*129
Rocky Creek Tributary No. 2:	
At mouth	*129
Just south of Nixon Road	*130
Rocky Creek Tributary No. 3:	
At mouth	*126
Just north of Nixon Road	*128
Rocky Creek Tributary No. 4	
At mouth	*130
Just downstream of Windsor Spring Road	*152
Rocky Creek Tributary No. 5	
At mouth	*136
About 1,000 feet upstream of Peach Orchard Road	*149
Rocky Creek Tributary No. 6:	
At mouth	*178
About 800 feet upstream of Fort Gordon Highway	*195
Rocky Creek Tributary No. 7:	
At mouth	*190
Just downstream of Fort Gordon Highway	*201
Just upstream of Fort Gordon Highway	*206
Just downstream of North Leg Road	*240
Just upstream of North Leg Road	*248
Just downstream of Georgia Railroad	*271
Just upstream of Georgia Railroad	*285
Just downstream of Bobby Jones Expressway	*316
Just upstream of Bobby Jones Expressway	*332
About 1,900 feet upstream of Sharon Road	*357
Rocky Creek Tributary No. 8:	
At mouth	*216
Just downstream of Bobby Jones Expressway	*260
Just upstream of Bobby Jones Expressway	*266
Just downstream of Georgia Railroad	*287
Just upstream of Georiga Railroad	*297
Just downstream of Barton Chapel Road	*305
Just upstream of Barton Chapel Road	*311
About 0.85 mile upstream of Barton Chapel Road	*390
Rocky Creek Tributary No. 9:	
At mouth	*335
About 1,500 feet upstream of mouth	*375
Rocky Creek Tributary No. 10:	
At mouth	*326
About 1,400 feet upstream of mouth	*353
Rocky Creek Tributary No. 11:	
At mouth	*143
About 1,500 feet upstream of mouth	*145
Oates Creek:	
At mouth	*124
Just downstream of Olive Road	*147
Oates Creek Tributary No. 1:	
At mouth	*147
Just downstream of Olive Road	*154
Raes Creek:	
About 1,700 feet downstream of Lake Shore Loop	*159
Just downstream of foot bridge (about 1,800 feet downstream of Berckmans Road)	*164
Just upstream of foot bridge (about 1,800 feet downstream of Berckmans Road)	*173
Just downstream of Boy Scout Road	*201
Just upstream of Boy Scout Road	*208
Just downstream of Lake Aumond Dam	*255
Just upstream of Lake Aumond Dam	*260
Just downstream of Jackson Road	*281
Just upstream of Jackson Road	*288
Just downstream of Maddox Road	*376
Crane Creek:	
At mouth	*220
Just downstream of Skinner Mill Road	*243
Just upstream of Warren Road	*255
Just downstream of Pleasant Home Road	*285
Just upstream of Pleasant Home Road	*292
Just upstream of Pleasant Home Road Extention	*307
No Name Creek:	
At mouth	*184
Just downstream of Ashland Drive	*198
Just upstream of Ashland Drive	*208
Just downstream of Oberlin Road	*250
Raes Creek Tributary No. 1:	
At mouth	*337
About 1,000 feet upstream of Wrightsboro Road	*346
Raes Creek Tributary No. 2:	
At mouth	*337
About 0.8 mile upstream of mouth	*381
Raes Creek Tributary No. 3:	
At mouth	*351
Just upstream of Maddox Road	*406
Beaver Dam Ditch:	
At mouth	*119
At confluence of Oates Creek	*124
Maps available for inspection at the Augusta Richmond County Planning Commission, 525 Telfair Street, Augusta, Georgia.	
ILLINOIS	
Highland (city), Madison County (FEMA Docket No. 6703)	
Lindenthal Creek:	
About 3,000 feet downstream of Easy Street	*487
About 200 feet downstream of Poplar Street	*507
About 600 feet upstream of Conrail	*521
Laurel Branch:	
About 600 feet downstream of Park Hill Drive	*489
Just upstream of Poplar Street	*501
Maps available for inspection at the City Manager's Office, City Hall, 1115 Broadway, Highland, Illinois.	
INDIANA	
Kosciusko County (unincorporated areas) (FEMA Docket No. 6658)	
Tippecanoe Lake: Entire shoreline	*840
James Lake: Entire shoreline	*840
Webster Lake: Entire shoreline	*855
Winona Lake: Entire shoreline	*814
Oswego Lake: Entire shoreline	*840
Tippecanoe River:	
About 0.05 mile downstream of 100 North Road	*804
Just downstream of Armstrong Road	*840
About 0.03 mile downstream of 675 East Road	*840
Just downstream of Webster Lake Outlet	*853
Turkey Creek:	
About 250 feet downstream of 1250 North Road	*820
At Syracuse Lake Outlet	*856
Walnut Creek:	
At mouth	*810
Just upstream of 300 South Road	*841
Big Barbee Lake: Entire shoreline	*841
Ridinger Lake: Entire shoreline	*850
Syracuse Lake: Entire shoreline	*860
Lake Wawasee: Entire shoreline	*860
Deeds Creek:	
About 700 feet upstream of U.S. Route 30	*819
About 1,500 feet upstream of U.S. Route 30	*822
Lones Ditch: Within community	*811
Maps available for inspection at the Plan Commission Office, County Courthouse, Warsaw, Indiana.	
Milford (town), Kosciusko County (FEMA Docket No. 6709)	
Turkey Creek:	
Just upstream of Orn Road	*822
About 0.24 mile upstream of Conrail	*828

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD) modified
Maps available for inspection at the Office of the Clerk Treasurer, Town Hall, P.O. Box 456, Milford, Indiana.	
North Webster (town), Kosciusko County (FEMA Docket No. 6709)	
Webster Lake: Within community	*855
Maps available for inspection at the Office of the Clerk Treasurer, Town Hall, Rt. #13, North Webster, Indiana.	
Syracuse (town), Kosciusko County (FEMA Docket No. 6709)	
Turkey Creek:	
About 2,700 feet downstream of Syracuse-Webster Road	*853
Just upstream of Henry Street	*856
Syracuse Lake: Within community	*860
Lake Wawasee: Within community	*860
Maps available for inspection at the Town Hall, 500 South Huntington Street, Syracuse, Indiana.	
Warsaw (city), Kosciusko County (FEMA Docket No. 6709)	
Walnut Creek:	
Just upstream of Lincoln Highway	*810
Just downstream of 100 South Road	*817
Eagle Creek: Within community	*813
Deeds Creek:	
At mouth	*812
About 700 feet upstream of U.S. Route 30	*819
Lones Ditch: Within community	*811
Pike Lake: Within community	*812
Winona Lake: Within community	*814
Center Lake: Within community	*808
Maps available for inspection at the Office of the City Planner, City Hall, 794 West Center Street, Warsaw, Indiana.	
Winona Lake (town), Kosciusko County (FEMA Docket No. 6709)	
Winona Lake: Within community	*814
Maps available for inspection at the Town Hall, P.O. Box 338, Winona Lake, Indiana.	
IOWA	
North Liberty (city), Johnson County (FEMA Docket No. 6703)	
Muddy Creek:	
About 1.0 mile downstream of Cedar Rapids and Iowa City Railway	*730
Just upstream of Zeller Street	*754
Maps available for inspection at the City Hall, North Liberty, Iowa.	
KANSAS	
Andover (city), Butler County (FEMA Docket No. 6703)	
Republican Creek:	
Just upstream of Thirteenth Street	*1,328
Just downstream of Interstate 35	*1,331
Spring Branch:	
At mouth	*1,287
Just downstream of County Road 841	*1,290
Fourmile Creek:	
About 14,100 feet downstream of Rose Hill Road	*1,266
Just downstream of County Road 622	*1,287
Maps available for inspection at the City Hall, Andover, Kansas.	
Florence (city), Marion County, (FEMA Docket No. 6709)	
Cottonwood River:	
About 750 feet downstream of Atchison, Topeka and Santa Fe Railway	*1,271
About 0.9 mile upstream of U.S. Highway 50	*1,275
Maps available for inspection at the City Hall, 100 East Fourth Street, Florence, Kansas.	
Park City (C), Sedgwick County (FEMA Docket No. 6703)	
Shallow Flooding (ponding from rainfall): Just south of levee along eastern overbank of Chisholm Creek (east of Interstate 35)	*1,347
Chisholm Creek:	
About 1,600 feet downstream of Interstate 35	*1,347
Just downstream of 69th Street North	*1,356
West Branch Chisholm Creek: Within community	*1,336
Maps available for inspection at the City Hall, 6125 North Hydraulic, Wichita, Kansas.	
Peabody (city), Marion County (FEMA Docket No. 6703)	
Doyle Creek:	
Just upstream of County Road	*1,354
About 1,200 feet upstream of Chicago, Rock Island and Pacific Railroad	*1,366
Spring Creek:	
At mouth	*1,360
About 1,200 feet upstream of U.S. Highway 50	*1,376
Prairie Creek:	
At mouth	*1,356
About 3,800 feet upstream of Elbing Road	1,389
Maps available for inspection at the City Offices, 300 North Walnut, Peabody, Kansas.	
KENTUCKY	
Clark County (Unincorporated Areas), (FEMA Docket No. 6703)	
Strodes Creek:	
About 300 feet upstream of confluence of Hancock Creek	*873
Just downstream of Interstate 64	*910
Just upstream of Interstate 64	*915
About 0.9 mile upstream of the Chessie System	*953
Tributary S1:	
Just downstream of the Chessie System	*924
Just upstream of the Chessie System	*937
Just downstream of State Route 1958	*937
Just upstream of State Route 1958	*942
Just downstream of Colby Road	*954
Tributary S4:	
At mouth	*900
Just downstream of Louisville and Nashville Railroad	*922
Just upstream of Louisville and Nashville Railroad	*928
Just upstream of Interstate 64	*939
Tributary S5:	
About 600 feet upstream of mouth	*919
About 1,400 feet upstream of mouth	*921
Tributary S6:	
At mouth	*937
About 1,200 feet upstream of mouth	*951
Railroad Pond: Along shoreline	*953
Lower Howard Creek:	
Just upstream of Fish and Game Club Road	*853
Just downstream of State Route 627	*896
Just upstream of State Route 627	*903
About 200 feet upstream of Colby Road	*962
Tributary H2:	
Just upstream of Colby road	*959
About 650 feet upstream of Colby Road	*962
Tributary H3:	
Just downstream of Ashford Drive	*943
About 500 feet upstream of Ashford Drive	*951
Tributary H5: Within unincorporated areas	*907
Tributary H7:	
At mouth	*889
Just downstream of McClure Road	*930
Tributary H8:	
At mouth	*910
Just downstream of West Meade Drive	*939
Tributary H9:	
At mouth	*875
Just downstream of McClure Road	*944
Tributary H10:	
At mouth	*895
Just downstream of McClure Road	*940
Tributary H11:	
At mouth	*900
Just downstream of Hillcrest Drive	*910
Just upstream of Hillcrest Drive	*922
About 700 feet upstream of Hillcrest Drive	*928
Town Branch:	
At mouth	*889
Just downstream of Louisville and Nashville Railroad	*906
Just upstream of Louisville and Nashville Railroad	*914
About 2,300 feet upstream of Louisville and Nashville Railroad	*915
Tributary T2:	
About 200 feet downstream of Interstate 64	*920
Just downstream of U.S. Route 60	*947
Just upstream of U.S. Route 60	*952
Just downstream of Abandoned Railroad	*962
Just upstream of Abandoned Railroad	*968
About 900 feet upstream of Winn Avenue	*978
Tributary T3:	
At mouth	*906
Just upstream of Interstate 64	*934
Maps available for inspection at the Clark County Courthouse, Winchester, Kentucky.	
Corbin (city), Knox and Whitley Counties (FEMA Docket No. 6709)	
Lynn Camp Creek:	
About 4,000 feet downstream of Laurel Avenue	*1,063
About 1,500 feet upstream of East Barbourville Street	*1,070
Maps available for inspection at the City Hall, 805 South Main Street, Corbin, Kentucky.	
Hawesville (city), Hancock County (FEMA Docket No. 6703)	
Ohio River: Within community	*401
Maps available for inspection at the City Hall, Hawesville, Kentucky.	
Lewisport (city), Hancock County (FEMA Docket No. 6703)	
Ohio River: Within community	*395
Maps available for inspection at the City Hall, Lewisport, Kentucky.	
Shepherdsville (city), Bullitt County (FEMA Docket No. 6703)	
Salt River:	
About 3 miles downstream of State Route 61	*447
About 1.5 miles upstream of Interstate 65	*451
Floyds Fork: Within community	*451
Maps available for inspection at the City Hall, P.O. Box 398, Shepherdsville, Kentucky.	
Stanton (city), Powell County (FEMA Docket No. 6709)	
Red River:	
About 1.4 miles downstream of State Route 213	*642
About 2.7 miles upstream of State Route 213	*652
Maps available for inspection at the Government Building, Box 326, Stanton, Kentucky.	
Wilmore (city), Jessamine County (FEMA Docket No. 6703)	
Town Branch:	
About 1,200 feet downstream of Butler Boulevard	*827
About 260 feet upstream of Bellview Avenue	*880
Maps available for inspection at the City Hall, 335 East Main Street, Wilmore, Kentucky.	
MAINE	
Belgrade (town), Kennebec County (FEMA Docket No. 6703)	
Great Pond: Entire shoreline within the community	*249
Long Pond: Entire shoreline within the community	*242
Messalonskee Lake: Entire shoreline within the community	*238

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD) modified
Belgrade Stream: Entire shoreline within the community above Wings Mills Dam	*242
Belgrade Stream: Entire shoreline within the community below Wings Mills Dam	*238
Salmon Lake: Entire shoreline within the community	*279
Maps available for inspection at the Town Administrative Office Vault, Belgrade, Maine.	
Litchfield (town), Kennebec County (FEMA Docket No. 6703)	
Cobbosseecontee Stream:	
At downstream corporate limits	*139
Upstream side of Pond Road	*140
Upstream side of Dennis Hill Road	*141
Confluence of Dennis Brook	*142
Upstream corporate limits	*143
Cobbosseecontee Lake: Entire shoreline within community	*170
Little Purgatory Pond: Entire shoreline within community	*178
Woodbury Pond: Entire shoreline within community	*178
Sand Pond: Entire shoreline within community	*178
Pleasant Pond: Entire shoreline within community	*139
Buker Pond: Entire shoreline within community	*178
Jimmy Pond: Entire shoreline within community	*178
Upper Pleasant Pond: Entire shoreline within community	*139
Maps available for inspection at the Town Clerk's Office, Litchfield, Maine.	
MASSACHUSETTS	
Braintree (town), Norfolk County (FEMA Docket No. 6703)	
Weymouth Fore River:	
Shoreline at Argyle Road (extended)	*12
Shoreline at View Avenue (extended)	*15
Monatiquot River:	
Upstream side of Quincy Avenue	*12
Upstream side of McCusker Drive	*31
Upstream side of Middle Street	*56
Upstream side of State Route 3	*65
Upstream side of Lower Armstrong Dam	*89
Confluence with Farm and Cochato Rivers	*105
Cochato River:	
Confluence with Monatiquot River	*105
Upstream side of Richardi Reservoir Dam No. 1	*107
Shoreline at Bayberry Lane (extended)	*108
Farm River:	
Confluence with Monatiquot River	*105
Upstream side of Granite Street	*119
At upstream corporate limits	*121
Town Brook:	
At downstream corporate limits	*34
Upstream side of Walnut Street	*54
Upstream side of Braintree Dam	*82
Upstream side of Interstate 93/State Route 128	*95
Approximately 270 feet upstream of Wood Road	*96
Maps available for inspection at the Engineering Department, Town Hall, 1 JFK Memorial Drive, Braintree, Massachusetts.	
Hanson (town), Plymouth County (FEMA Docket No. 6709)	
Poor Meadow Brook:	
Downstream corporate limits	*46
Downstream side of West Washington Street	*54
Approximately 0.88 mile upstream of West Washington Street	*62
Maps available for inspection at the Planning Board, 542 Liberty Street, Hanson, Massachusetts.	
MICHIGAN	
Litchfield (city), Hillsdale County, (FEMA Docket No. 6719)	
St. Joseph River:	
About 3,300 feet downstream of Litchfield Road	*1,007
About 1.0 mile upstream of Anderson Road	*1,018
Maps available for inspection at the City Hall, 221 Jonesville Street, Litchfield, Michigan.	
MINNESOTA	
Belle Plaine (borough), Scott County (FEMA Docket No. 6709)	
Minnesota River:	
About 1.8 miles downstream of State Highway 25	*730
About 2.0 miles upstream of State Highway 25	*733
Maps available for inspection at the Municipal Building, 426 East Main, Belle Plaine, Minnesota.	
Morton (city), Renville County (FEMA Docket No. 6709)	
Minnesota River:	
About 0.5 mile downstream of Chicago and North Western Railroad	*833
Just downstream of State Highway 19	*834
Maps available for inspection at the City Hall, Box 127, Morton, Minnesota.	
North Redwood (city), Redwood County (FEMA Docket No. 6709)	
Minnesota River:	
About 1.4 miles downstream of confluence of Redwood River	*840
About 0.6 mile upstream of confluence of Redwood River	*843
Maps available for inspection at the Mayor's Home, 105 River Road, North Redwood, Minnesota.	
MISSOURI	
Annada (village), Pike County (FEMA Docket No. 6703)	
Mississippi River: Within community	*454
Maps available for inspection at the Mayor's House, Annada, Missouri.	
Augusta (village), St. Charles County (FEMA Docket No. 6703)	
Missouri River: Within community	*484
Maps available for inspection at the Chairman's House, 311 Green Street, Augusta, Missouri.	
Flinthill (village), St. Charles County (FEMA Docket No. 6703)	
Dry Branch:	
About 0.32 mile downstream of U.S. Highway 61	*469
Just downstream of U.S. Highway 61	*479
Maps available for inspection at the City Clerk's House, 5040 Highway P, Flinthill, Missouri.	
NEVADA	
Lyon County (unincorporated areas) (FEMA Docket No. 6709)	
Walker River: Approximately 25 feet downstream from Goldfield Avenue	*4,381
Maps are available for review at the Department of Public Works and Engineering, 15 South Main Street, Yerington, Nevada.	
NEW JERSEY	
Dover (town), Morris County (FEMA Docket No. 6719)	
Rockaway River:	
Downstream corporate limits	*553
At confluence of McKeels Brook including McKeels Brook from its confluence with Rockaway River to approximately 535 feet upstream	*557
Approximately 50 feet upstream of Warren Street	*573
At confluence of Jackson Brook including Jackson Brook from its confluence with Rockaway River to approximately 550 feet upstream	*580
Upstream side of Rutgers Street	*588
Upstream side of upstream CONRAIL (2nd crossing)	*603
Upstream corporate limits	*611
Maps available for inspection at the Town Hall, 37 North Sussex Street, Dover, New Jersey.	
NEW YORK	
Colchester (town), Delaware County (FEMA Docket No. 6719)	
East Branch Delaware River:	
Approximately 1.8 miles upstream of Shinhopple Road bridge	*1,068
Approximately 380 feet upstream of Corbett Bridge	*1,082
Upstream side of Covered Bridge	*1,102
Approximately 1,920 feet upstream of State Route 30 bridge	*1,104
Downs Brook:	
At confluence with East Branch Delaware River	*1,101
Approximately .4 mile upstream of State Route 30 bridge	*1,138
Wilson Hollow Brook:	
At confluence with Downs Brook	*1,125
Approximately 1,720 feet upstream of Town Route 10	*1,177
Maps available for inspection at the Colchester Town Hall, Downsville, New York.	
Delaware (town), Sullivan County (FEMA Docket No. 6706)	
Delaware River:	
At downstream corporate limits	*748
At confluence of Callicoon Creek	*757
Approximately 150 feet upstream of Tower Road	*760
At upstream corporate limits	*790
North Branch Callicoon Creek:	
At confluence with Callicoon Creek	*786
Approximately 1,180 feet upstream of Town Route 18 bridge	*821
Maps available for inspection at the Town Hall, Hortonville, New York.	
Florida (village), Orange County (FEMA Docket No. 6690)	
Quaker Creek:	
At downstream corporate limits	*399
Upstream side of Florida Green Drive	*444
Approximately 0.94 mile upstream of Bridge Street	*452
Brown Creek:	
At confluence with Quaker Creek	*400
Upstream side of Randall Street	*443
0.5 mile upstream of Florida Green Drive	*447
Maps available for inspection at the Village Hall, Florida, New York.	
Otego (town), Otsego County (FEMA Docket No. 6709)	
Susquehanna River:	
Downstream corporate limits	*1,049
Confluence of Otsdawa Creek	*1,056
Upstream corporate limits	*1,058
Flax Island Creek:	
Confluence with the Susquehanna River	*1,055
Upstream corporate limits of the Village of Otego	*1,072
Approximately 800' upstream of the Village of Otego corporate limits	*1,092
Approximately 1,520' upstream of the Village of Otego corporate limits	*1,107
Otsdawa Creek:	
Confluence with the Susquehanna River	*1,056
Extreme upstream corporate limits of the Village of Otego	*1,072
Maps available for inspection at the Otego Town Hall, River Street, Otego, New York.	

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD) modified
Otego (village), Otsego County (FEMA Docket No. 6709)	
Susquehanna River:	
Approximately 0.64 mile downstream of corporate limits	*1,054
Confluence of Flax Island Creek	*1,055
Upstream corporate limits	*1,056
Flax Island Creek:	
Confluence with Susquehanna River	*1,055
Downstream side of Main Street	*1,057
Approximately 400 feet upstream of Main Street	*1,065
Upstream corporate limits	*1,072
Otsdawa Creek:	
Downstream corporate limits	*1,056
Approximately 1,300 feet upstream of Main Street	*1,058
Approximately 2,040 feet upstream of Main Street	*1,062
Extreme upstream corporate limits	*1,072
Maps available for inspection at the Otego Village Hall, River Street, Otego, New York.	
NORTH CAROLINA	
Bath (town), Beaufort County, (FEMA Docket No. 6709)	
Atlantic Ocean: At confluence of Back Creek with Bath Creek	*10
Maps available for inspection at the Town Hall, P.O. Box 6, Bath, North Carolina.	
Beaufort County (Unincorporated Areas), (FEMA Docket No. 6719)	
Atlantic Ocean/Pamlico Sound/Pamlico River:	
At mouth of Satterthwaite Creek	*7
At mouth of Broad Creek	*11
Acre Swamp:	
Just upstream of N.C. 32	*26
About 1.5 miles upstream of N.C. 32	*29
Aggie Run:	
Just upstream of S.R. 1410	*12
At mouth of Old Ford Swamp	*21
Old Ford Swamp:	
At mouth	*21
At mouth of Big Swamp	*26
Big Swamp:	
At mouth	*26
Just downstream of S.R. 1422	*32
Bailey Creek: Within community	*9
Bear Creek:	
About 0.75 mile downstream of confluence of Chapel Branch	*10
Just upstream of N.C. 33	*28
Blounts Creek:	
Just upstream of N.C. 33	*11
Just downstream of Norfolk Southern Railway	*16
Broad Creek:	
About 0.5 mile downstream of N.C. 32	*11
Just downstream of U.S. HWY 264	*14
Beaverdam Swamp:	
At mouth	*15
Just downstream of S.R. 1507	*38
Broad Creek Tributary 1:	
At mouth	*15
About 1.4 miles upstream of S.R. 1501	*30
Broad Creek Tributary 2:	
At mouth	*16
Just upstream of Farm Field Road	*28
Chapel Branch:	
At mouth	*13
Just upstream of S.R. 1157	*44
Chocowinity Creek:	
At mouth	*11
About 0.4 mile upstream of S.R. 1127	*23
Chocowinity Creek Tributary 1:	
At mouth	*12
Just upstream of N.C. 33	*25
Chocowinity Creek Tributary 2:	
At mouth	*18
Just upstream of N.C. 33	*24
Cindy Edwards Branch: Within community	*18
Cypress Run:	
At mouth	*8
Just upstream of S.R. 1926	*11
Durham Creek:	
About 0.65 mile downstream of confluence of Upper Broad Creek	*23
Just upstream of S.R. 1934	*34
Durham Creek Tributary:	
Just upstream of S.R. 1932	*16
Just downstream of Norfolk Southern Railway	*26
Just downstream of N.C. 33	*35
Fork Swamp:	
Just downstream of S.R. 1530	*30
Just upstream of Norfolk Southern Railway	*34
Hall Swamp:	
At mouth	*17
Just upstream of S.R. 1507	*38
Hall Swamp Tributary 1:	
At mouth	*22
About 1,000 feet upstream of confluence of Tributary A	*31
Hall Swamp Tributary 2:	
At mouth	*32
Just upstream of S.R. 1507	*43
Tributary A:	
At mouth	*30
Just upstream of S.R. 1507	*43
Harvey Creek:	
At mouth	*10
Just upstream of U.S. HWY 264	*20
Herring Run:	
About 1,000 feet downstream of S.R. 1516	*27
About 2,800 feet upstream of S.R. 1516	*35
Horse Branch:	
Just upstream of S.R. 1136	*19
Just upstream of Norfolk Southern Railway	*56
Horse Branch Tributary:	
At mouth	*37
Just downstream of Farm Road	*39
Joe Branch:	
At mouth	*14
Just upstream of S.R. 1127	*44
Latham Creek:	
At mouth	*21
At mouth of Gum Swamp	*31
Gum Swamp:	
At mouth	*31
Just upstream of U.S. HWY 17	*39
Maple Branch (near Chocowinity):	
At mouth	*11
About 0.85 mile upstream of S.R. 1136	*32
Maple Branch Tributary (near Chocowinity):	
At mouth	*14
Just upstream of U.S. HWY 17	*31
Maple Branch (near Washington):	
At mouth	*11
About 1.15 miles upstream of U.S. HWY 264	*22
Mitchell Branch:	
At mouth	*11
Just upstream of S.R. 1407	*23
Morris Run:	
About 0.3 mile downstream of S.R. 1126	*23
Just upstream of S.R. 1181	*29
Pantego Creek:	
At confluence of Cuckolds Creek	*9
Just upstream of S.R. 1626	*12
Poundpole Swamp Branch:	
Just upstream of S.R. 1107	*20
Just upstream of S.R. 1951	*32
Pungo Swamp:	
About 400 feet upstream of U.S. HWY 264	*10
About 2,500 feet upstream of S.R. 1611	*13
Rowland Creek: Within community	*10
South Creek: Within community	*8
Tankard Creek:	
At mouth	*10
Just upstream of S.R. 1607	*14
Tranters Creek:	
About 1.0 mile southwest of the intersection of U.S. HWY 264 and S.R. 1405	*10
About 2,000 feet southwest of the intersection of S.R. 1440 and Flanders Road	*11
White Branch:	
Just upstream of S.R. 1136	*17
About 3,600 feet upstream of S.R. 1151	*36
Maps available for inspection at the County Courthouse, P.O. Box 70, Chocowinity, North Carolina.	
Creswell (town), Washington County, (FEMA Docket No. 6709)	
Atlantic Ocean/Pamlico Sound/Albemarle Sound/Scuppernong River: Within community	*5
Maps available for inspection at the Town Hall, P.O. Box 115, Creswell, North Carolina.	
Hyde County (unincorporated areas), (FEMA Docket No. 6709)	
Atlantic Ocean:	
At the confluence of New Lake Fork with Alligator River	*4
Just east of intersection of 6th Avenue East and U.S. Highway 264	*5
At the intersection of State Road 1110 and State Road 1111	*5
At the confluence of Alligator River canal with Winn Bay	*6
Along the northern shoreline of Cockrel Creek Island	*6
At Windmill Point	*7
At the confluence of Hydeland Canal with Juniper Bay Creek	*7
Just west of Ocracoke Island Landing Field	*8
Along shoreline of Church Creek	*8
Along southeast shoreline of Ocracoke Island	*9
At the confluence of Shingle Creek with Swanquarter Bay	*9
At the confluence of Cowpen Creek with Swanquarter Bay	*10
At southwest point of Great Island	*11
At the confluence of Willow Creek with Pamlico River	*12
Maps available for inspection at the County Courthouse, P.O. Box 188, Swan Quarter, North Carolina.	
River Bend (town), Craven County (FEMA Docket No. 6709)	
Atlantic Ocean/Pamlico Sound/Neuse River/Trent River: Along the Southern Extraterritorial Limits	*9
Samuels Creek/Rocky Run:	
From confluence with Trent River to U.S. Highway 7	*9
Just upstream of SR 1221	*14
Maps available for inspection at the Town Hall, 50 Shoreline Drive, River Bend, North Carolina.	
Washington (city), Beaufort County, (FEMA Docket No. 6709)	
Cherry Run:	
At confluence with Tranters Creek	*10
About 0.63 mile upstream of Market Street Extention	*41
Cherry Run Tributary 1:	
At confluence with Cherry Run	*14
About 0.93 mile upstream of confluence with Cherry Run	*31
Cherry Run Tributary 2:	
At confluence with Cherry Run	*20
Just downstream of State Road 1510	*30
Cherry Run Tributary 3:	
At confluence with Cherry Run Tributary 2	*23
Just downstream of State Road 1516	*42
Pineygrove Branch:	
At confluence with Herring Run	*15
Just upstream of Lodge Road	*28
Runyon Creek:	
At confluence with Pamlico River	*11
About 0.35 mile upstream of U.S. Highway 264	*11
Herring Run:	
At confluence with Runyon Creek	*11
About 0.64 mile upstream of Lodge Road	*27
Atlantic Ocean:	
At confluence of Kennedy Creek and Tar River	*10
Just south of intersection of SR 1165 and Norfolk Southern Railway	*10
At confluence of Rodman Creek and Pamlico River	*11
Just south of North Shores Road	*11
Maps available for inspection at the City Hall, Box 1988, Washington, North Carolina.	

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD) modified
Washington Park (town), Beaufort County, (FEMA Docket No. 6709)	
Atlantic Ocean/Pamlico River/Runyon Creek/ Snode Creek: Within community	*11
Maps available for inspection at the Town Hall, P.O. Box 632, Washington Park, North Carolina.	
OHIO	
Arlington Heights (village), Hamilton County (FEMA Docket No. 6709)	
Mill Creek:	
At confluence of West Fork Mill Creek	*537
About 1,200 feet upstream of Clark Street	*543
West Fork Mill Creek:	
Just downstream of Galbraith Road	*537
About 1,900 feet upstream of Conrail	*538
Maps available for inspection at the Mayor's Office, 601 Elliot Avenue, Arlington Heights, Ohio.	
Coshocton (city), Coshocton County (FEMA Docket No. 6709)	
Muskingum River:	
About 350 feet downstream of Randle Bridge	*748
Just downstream of Chestnut Street	*753
Tuscarawas River:	
Just upstream of Chestnut Street	*753
About 1.5 miles upstream of Bridge Street	*755
Walhonding River:	
Just downstream of Chestnut Street	*753
Just downstream of County Road Bridge	*755
Maps available for inspection at the City Hall, 760 Chestnut Street, Coshocton, Ohio.	
Coshocton County (unincorporated areas), (FEMA Docket No. 6709)	
Muskingum River:	
About 3.0 miles downstream of Norfolk Southern Railway	*734
About 2.0 miles upstream of State Route 6	*753
Tuscarawas River:	
About 7.7 miles downstream of Norfolk Southern Railway	*753
About 0.8 mile upstream of County Route 9	*792
Walhonding River:	
About 0.75 mile downstream of State Route 36	*753
About 2.65 miles upstream of County Route 23	*770
Shallow Flooding (ponding from rainfall):	
About 600 feet south of the intersection of South Sixth Street and Cedar Street	*747
About 1000 feet east of the intersection of Magnolia Street and Cottonwood Street	*749
About 1500 feet east of the intersection of South Sixth Street and Fir Street	*750
Maps available for inspection at the County Commissioner's Office, Courthouse Annex, 349½ Main Street, Coshocton, Ohio.	
Dennison (village), Tuscarawas County (FEMA Docket No. 6709)	
Little Stillwater Creek:	
About 1.07 miles downstream of Grant Street	*848
About 0.78 mile upstream of Taylor Avenue	*854
Maps available for inspection at the Village Hall, 302 Grant Street, Dennison, Ohio.	
Gnadenhutten (village), Tuscarawas County (FEMA Docket No. 6709)	
Tuscarawas River:	
About 3000 feet downstream of County Route 39	*827
Just upstream of Conrail	*828
Maps available for inspection at the Village Hall, Walnut & Main Streets, Gnadenhutten, Ohio.	
Green Camp (village), Marion County, (FEMA Docket No. 6696)	
Scioto River:	
About 3800 feet downstream of State Route 739	*914
About 3000 feet upstream of Conrail	*915
Maps available for inspection at the Village Hall, Green Camp, Ohio.	
La Rue (village), Marion County, (FEMA Docket No. 6696)	
Scioto River:	
About 2500 feet downstream of State Route 37	*926
About 4000 feet upstream of Conrail	*929
Maps available for inspection at the Village Hall, La Rue, Ohio.	
Marion County (unincorporated areas), (FEMA Docket No. 6696)	
Scioto River:	
About 0.9 mile downstream of State Route 47	*907
About 1.0 mile upstream of La Rue-Kenton Road	*932
Maps available for inspection at the County Courthouse, Marion, Ohio.	
Newcomerstown (village), Tuscarawas County (FEMA Docket No. 6709)	
Tuscarawas River:	
Just upstream of County Boundary	*792
About 1.3 miles upstream of Conrail	*797
Maps available for inspection at the Mayor's Office, 124 West Church Street, Newcomerstown, Ohio.	
New Philadelphia (city), Tuscarawas County (FEMA Docket No. 6709)	
Tuscarawas River:	
About 4.0 miles downstream of State Route 416	*851
About 3.8 miles upstream of State Route 39	*872
Beaverdam Creek:	
About 1.75 miles downstream of University Drive	*851
About 0.5 mile downstream of University Drive	*868
About 0.4 mile downstream of University Drive	*873
About 0.9 mile upstream of Beaver Avenue	*900
Maps available for inspection at the City Hall, 166 East High Avenue, New Philadelphia, Ohio.	
Prospect (village), Marion County, (FEMA Docket No. 6696)	
Scioto River:	
About 1800 feet downstream of State Route 47	*908
About 2200 feet upstream of State Route 47	*909
Maps available for inspection at the Village Hall, Prospect, Ohio.	
Reading (city), Hamilton County (FEMA Docket No. 6709)	
Mill Creek:	
Just upstream of Galbraith Road	*538
About 925 feet upstream of Conrail	*558
Maps available for inspection at the Municipal Building, 1000 Market Street, Reading, Ohio.	
Sharonville (city), Hamilton County (FEMA Docket No. 6709)	
Mill Creek:	
About 1200 feet downstream of Sharon Road	*575
Just downstream of East Crescentville Road	*585
East Fork Mill Creek:	
At mouth	*581
Just downstream of East Cresentville Road	*586
Sharon Creek:	
About 1500 feet downstream of Sharon Road	*578
About 2600 feet upstream of Reading Road	*601
About 2800 feet upstream of Reading Road	*609
About 3500 feet upstream of Reading Road	*612
About 3700 feet upstream of Reading Road	*619
About 3800 feet upstream of Reading Road	*623
Sharon Creek Tributary:	
About 1900 feet downstream of Reading Road	*578
Just downstream of Thornview Drive	*632
Maps available for inspection at the City Director's Office, 10900 Reading Road, Sharonville, Ohio.	
Uhrichsville (city), Tuscarawas County (FEMA Docket No. 6209)	
Stillwater Creek:	
Just upstream of Chessie System	*844
About 0.35 mile upstream of Dennison Water Supply Company Dam	*853
Little Stillwater Creek:	
At mouth	*848
About 0.5 mile upstream of First Street	*851
Maps available for inspection at the City Hall, 305 East Second Street, Uhrichsville, Ohio.	
PENNSYLVANIA	
Canton (township), Washington County (FEMA Docket No. 6703)	
Chartiers Creek:	
Downstream corporate limits	*996
Upstream side of Wallace Lane	*1,006
Upstream side of West Wylie Avenue	*1,012
Downstream side of Caldwell Avenue	*1,024
Upstream corporate limits	*1,030
Log Pile Run:	
Confluence with Chartiers Creek	*1,025
Downstream side of Prigg Road	*1,040
Downstream side of Weirich Avenue	*1,066
Catfish Creek:	
Confluence with Chartiers Creek	*1,013
Approximately 20 feet upstream of Interstate Route 70	*1,017
Upstream corporate limits	*1,025
Georges Run:	
Confluence with Chartiers Creek	*1,006
Approximately .48 mile upstream of Chartiers Creek confluence	*1,006
Wolfdale Run:	
Confluence with Chartiers Creek	*1,008
Approximately 32 feet downstream of Boone Avenue	*1,020
Upstream side of Hewitt Avenue	*1,030
Approximately 26 feet downstream of McClay Road	*1,050
Downstream side of Old Johnson Lane	*1,064
Downstream side of Jefferson Avenue	*1,076
Approximately 1,500 feet upstream of Jefferson Avenue	*1,082
Maps available for inspection at the Township Building, 655 Grove Avenue, Washington, Pennsylvania.	
Ferndale (borough), Cambria County (FEMA Docket No. 6703)	
Stony Creek:	
Approximately 450 feet downstream of State Route 403	*1,191
Approximately 100 feet upstream of upstream corporate limits	*1,204
Maps available for inspection at the Municipal Building, 109 Station Street, Johnstown, Pennsylvania.	
Harmony (township), Forest County (FEMA Docket No. 6703)	
Allegheny River:	
Downstream corporate limits	*1,059
Approximately 450 feet upstream of West Hickory Highway	*1,074
At County boundary	*1,089
Maps available for inspection with the Township Secretary, Mary Remington, Box 208, West Hickory, Pennsylvania.	
Hickory (township), Forest County (FEMA Docket No. 6703)	
Allegheny River:	
At corporate limits	*1,061
Approximately 700' upstream of West Hickory Highway	*1,074

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD) modified
At County Boundary	*1,089
Maps available for inspection with Secretary Mary A. Goochee, Box 485, East Hickory, Pennsylvania.	
Hunker (borough), Westmoreland County (FEMA Docket No. 6703)	
Belson Run:	
Downstream corporate limits	*935
Upstream side of Walnut Street	*957
Approximately .26 mile upstream of Walnut Street	*980
Upstream corporate limits	*1,008
Maps available for inspection at the Borough Building, Hunker, Pennsylvania.	
Paint (borough), Somerset County (FEMA Docket No. 6703)	
Paint Creek:	
Downstream corporate limits	*1,590
Approximately 53 feet upstream of State Route 56	*1,615
Approximately 26 feet upstream of State Route 601	*1,662
Upstream corporate limits	*1,668
Approximately 310 feet upstream of corporate limits	*1,670
Maps available for inspection at the Borough Building, 807 Main Street, Windber, Pennsylvania.	
Southwest Greensburg (borough), Westmoreland County (FEMA Docket No. 6703)	
Jacks Run:	
Downstream corporate limits	*986
Upstream corporate limits	*997
Zellars Run:	
At confluence with Jacks Run	*987
Upstream corporate limits	*1,018
Maps available for inspection at the Municipal Building, 422 Brandon Street, Greensburg, Pennsylvania.	
Tionesta (borough), Forest County (FEMA Docket No. 6703)	
Allegheny River:	
Approximately 0.61 mile downstream of U.S. Route 62	*1,049
Approximately 1.21 miles upstream of U.S. Route 62	*1,052
Maps available for inspection at the Borough Building, 210 Elm Street, Tionesta, Pennsylvania.	
Washington (city), Washington County (FEMA Docket No. 6703)	
Catfish Creek:	
Approximately 950 feet downstream of the downstream corporate limits	*1,021
Upstream side of West Maiden Street	*1,041
Upstream side of South College Street approximately 10 feet from culvert	*1,063
Upstream side of Rosewood Avenue	*1,097
At upstream corporate limits	*1,127
Chartiers Creek:	
Approximately 1,130 feet downstream of most downstream CONRAIL bridge	*999
Approximately 270 feet upstream of upstream corporate limits	*1,010
Maps available for inspection at the City Hall, 55 West Maiden Street, Washington, Pennsylvania.	
SOUTH CAROLINA	
Bluffton (town), Beaufort County (FEMA Docket No. 6696)	
Atlantic Ocean: Within community	*14
Maps available for inspection at the Town Hall, Bluffton, South Carolina.	
Burnettown (town), Aiken County (FEMA Docket No. 6709)	
Horse Creek:	
About 1.2 mile downstream of dam at State Route 254	*155
About 0.9 miles downstream of dam at State Route 254	*157
Maps available for inspection at the City Hall, 1111 Third Street, Langley, South Carolina.	
Charleston (city), Charleston County (FEMA Docket No. 6703)	
Atlantic Ocean:	
About 1,960 feet west along Bees Ferry Road from the intersection of Bees Ferry Road and Shadowmoss Drive	*8
At the intersection of U.S. Route 17 and Farmfield Avenue	*11
Along Ashley River from State Route 7 to the confluence of Church Creek	*13
About 1.5 miles west of the intersection of McIntyre Road and Ferguson Road	*15
At the intersection of Laurens Street and Marsh Street	*16
Entire shoreline of Town Creek	*17
Maps available for inspection at the City Hall, 80 Broad Street, Charleston, South Carolina.	
Greenwood (city), Greenwood County (FEMA Docket No. 6719)	
Hard Labor Creek:	
About 1,400 feet downstream of West Alexander Street	*542
Just downstream of downstream Seaboard Coast Line Railroad	*576
Just downstream of upstream Seaboard Coast Line Railroad	*582
Just upstream of upstream Seaboard Coast Line Railroad	*590
Wilson Creek:	
At confluence of Stockman Branch	*500
Just downstream of Kateway Road	*515
Just upstream of Kateway Road	*520
Just downstream of U.S. Route 25 Bypass	*530
About 1,100 feet upstream of U.S. Route 25 Bypass	*536
Stockman Branch:	
At mouth	*500
Just downstream of East Cambridge Avenue	*530
Just upstream of East Cambridge Avenue	*535
Just upstream of New Market Road	*571
Rocky Creek:	
About 1,700 feet downstream of Haltwanger Road	*530
About 1,300 feet upstream of Grace Street	*555
Just upstream of U.S. Route 25	*571
At Seaboard Coast Line Railroad	*576
Maps available for inspection at the City Hall, P.O. Box 40, Greenwood, South Carolina.	
North Charleston (city), Charleston County (FEMA Docket No. 6703)	
Atlantic Ocean:	
Along Popperdam Creek from Dorchester Road to about 0.64 mile upstream of Dorchester Road	*7
About 800 feet south of the intersection of Gwinett Street and Dedrich Street	*9
Along Filbin Creek from Virginia Avenue to Interstate 26	*12
At the mouth of Shipyard Creek	*15
About 2,500 feet Southeast of the intersection of Interstate 26 and State Route 7	*16
Maps available for inspection at the City Hall, P.O. Box 10100, North Charleston, South Carolina.	
TENNESSEE	
Centerville (town), Hickman County (FEMA Docket No. 6709)	
Duck River:	
About 1.4 miles downstream of State Route 50	*481
About 1.1 miles upstream of State Routes 48 and 100	*490
Maps available for inspection at the City Hall, P.O. Box 226, Centerville, Tennessee.	
Oakdale (city), Morgan County (FEMA Docket No. 6709)	
Emory River:	
About 3,700 feet downstream of West Main Street	*793
About 3,700 feet upstream of West Main Street	*802
Maps available for inspection at the City Hall, P.O. Box 116, Oakdale, Tennessee.	
Pulaski (city), Giles County (FEMA Docket No. 6709)	
Richland Creek:	
About 1.2 miles downstream of Mill Street	*653
About 2.9 miles upstream of Mill Street	*661
Pleasant Run Creek:	
At mouth	*654
Just upstream of Mitchell Street	*706
Tributary A:	
About 3,000 feet downstream of Magazine Road	*654
About 400 feet upstream of Longmeadow Drive	*699
Tributary B:	
At mouth	*656
About 500 feet upstream of East College Street	*684
Maps available for inspection at the City Hall, 203 South First Street, Pulaski, Tennessee.	
Waynesboro (city), Wayne County (FEMA Docket No. 6709)	
Green River:	
At confluence of Hurricane Creek	*701
About 2,150 feet upstream of Helton Street	*733
Rocky Mill Branch:	
At confluence with Green River	*722
Just downstream of U.S. Route 64	*767
Just upstream of U.S. Route 64	*772
About 400 feet upstream of U.S. Route 64	*775
Hurricane Creek:	
At mouth	*701
About 0.6 mile upstream of U.S. Route 64	*732
Maps available for inspection at the City Hall, P.O. Box 491, Waynesboro, Tennessee.	
TEXAS	
Fort Bend County MUD #25 (FEMA Docket No. 6703)	
Red Gully:	
Upstream side of Old Richmond Road	*79
Approximately 0.66 mile upstream of Old Richmond Road	*80
Maps available for inspection at 1001 Fannin Street, Houston, Texas.	
VERMONT	
Burlington (city), Chittenden County (FEMA Docket No. 6709)	
Winooski River:	
At confluence with Lake Champlain	*102
Upstream side of Central Vermont Railway	*114
Upstream side of U.S. Routes 2 and 7	*150
At upstream corporate limits	*166
Maps available for inspection at the Planner's Vault, City Hall, Burlington, Vermont.	

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD) modified
Winooski (city), Chittenden County (FEMA Docket No. 6709)	
Winooski River:	
Approximately 875 feet downstream of downstream corporate limits	*113
Upstream side of U.S. Routes 2 and 7	*150
Approximately 75 feet upstream of upstream corporate limits	*168
Maps available for inspection at the City Clerk's Vault, City Hall, 27 West Allen Street, Winooski, Vermont.	
VIRGINIA	
Buchanan County (FEMA Docket No. 6709)	
Levisa Fork:	
Downstream County boundary	*870
Upstream side of State Route 645	*907
Upstream side of State Route 609	*966
Confluence of Looney Creek	*1,008
At downstream Grundy corporate limits	*1,044
Upstream side of State Route 617	*1,098
Upstream side of State Route 83	*1,128
Upstream side of Norfolk and Western Railway (3rd upstream crossing)	*1,183
Approximately 0.72 mile upstream of State Route 684	*1,220
Approximately 1.85 miles upstream of State Route 684	*1,268
Upstream side of State Route 668	*1,323
Approximately 100 feet downstream confluence of Bridge Branch	*1,368
Upstream side of U.S. Route 460	*1,435
Approximately 0.8 mile upstream of U.S. Route 460	*1,476
Knox Creek:	
Approximately 425 feet downstream of State Route 697	*925
Upstream side of State Route 646	*967
Approximately 1.1 miles upstream of State Route 650	*1,016
Upstream side of State Route 643 (2nd upstream crossing)	*1,083
Upstream side of State Route 706	*1,138
Upstream side of State Route 652	*1,171
Approximately 1.13 miles upstream of State Route 652	*1,220
Approximately 2.23 miles upstream of State Route 652	*1,278
Russell Fork:	
Approximately 1.16 miles downstream of State Route 80	*1,432
Approximately 1.7 miles upstream of State Route 80	*1,465
Approximately 2.55 miles upstream of State Route 80	*1,502
Dismal Creek:	
Approximately 1.76 miles downstream of State Route 628	*1,562
Upstream side of State Route 628	*1,602
Approximately 1 mile upstream of State Route 628	*1,618
Approximately 2.15 miles upstream of State Route 628	*1,650
Big Prater Creek/Trace Fork Branch:	
At confluence with Levisa Fork	*1,128
Approximately 1.04 miles upstream confluence with Levisa Fork	*1,170
Approximately 0.57 mile downstream confluence of Big Lick Branch	*1,200
At confluence of Big Lick Branch	*1,244
Approximately 0.60 mile upstream confluence of Big Lick Branch	*1,300
Tug Fork:	
At downstream State boundary	*829
Approximately 1.92 miles upstream of the downstream State boundary	*861
At upstream State boundary	*919
Maps available for inspection at the County Administrator's Office, County Courthouse, Main Street, Grundy, Virginia.	
Iron Gate (town), Allegheny County (FEMA Docket No. 6709)	
Jackson River:	
Approximately 800 feet upstream of County boundary	*1,015
Approximately 100 feet downstream of upstream corporate limits	*1,025
Maps available for inspection at the Town Hall, Iron Gate, Virginia.	
Lebanon (town), Russell County (FEMA Docket No. 6709)	
Little Cedar Creek:	
Approximately 1,550 feet downstream of U.S. Route 19 bridge	*1,929
Approximately 50 feet upstream of Fields Street bridge	*1,969
Approximately .45 mile upstream of State Route 71 bridge	*2,039
Maps available for inspection at the Lebanon Town Office, Lebanon, Virginia.	
Unincorporated Area, Mathews County (FEMA Docket No. 6719)	
Piankatank River:	
Shoreline at Pond Point	*11
Shoreline at State Route 3 bridge (Twigg Bridge)	*7
Chesapeake Bay:	
Shoreline at Mill Point	*11
Intersection of State Route 611 and State Route 613	*8
Approximately 950 feet east of intersection of State Route 14 and State Route 606	*7
Mobjack Bay:	
Shoreline at Dutchman Point	*11
Approximately 0.5 mile north of Minter Point	*7
Maps available for inspection at the County Administrator's Office, Mathews, Virginia.	
WEST VIRGINIA	
Mannington (city), Marion County (FEMA Docket No. 6703)	
Buffalo Creek:	
Downstream corporate limits	*964
Upstream side of High Street (downstream crossing)	*972
Upstream side of Hough Street	*976
Upstream corporate limits	*977
Pyles Fork:	
Confluence with Buffalo Creek	*975
Upstream corporate limits	*976
Maps available for inspection at the City Hall, 206 Main Street, Mannington, West Virginia.	
WISCONSIN	
Belmont (village), Lafayette County (FEMA Docket No. 6703)	
Bonner Branch:	
Just downstream of County Highway G	*1,004
About 1,800 feet upstream of Chicago, Milwaukee, St. Paul & Pacific Railroad	*1,024
Unnamed Tributary:	
At mouth	*1,014
Just downstream of U.S. Highway 151	*1,019
Maps available for inspection at the Village Hall, Box 192, Belmont, Wisconsin.	
Boyceville (village), Dunn County (FEMA Docket No. 6703)	
Tiffany Creek:	
At northern corporate limits	*939
About 1,400 feet upstream of Duffy Street	*956
East Drainageway:	
At mouth	*944
About 1,500 feet upstream of Second Street	*949
West Drainageway:	
At mouth	*948
About 1,150 feet upstream of Field Road	*951
Maps available for inspection at the Village Hall, Boyceville, Wisconsin.	
Crandon (city), Forest County (FEMA Docket No. 6709)	
Peshtigo Lake: Within community	*1,591
Clear Lake: Within community	*1,599
Lake Metonga: Within community	*1,599
Surprise Lake: Within community	*1,608
Clear Lake Outlet:	
At mouth	*1,591
At Clear Lake Shoreline	*1,599
Surprise Lake Outlet:	
At mouth	*1,599
At Surprise Lake Shoreline	*1,608
Maps available for inspection at the City Hall, P.O. Box 333, Crandon, Wisconsin.	
Gratiot (village), Lafayette County (FEMA Docket No. 6703)	
Pecatonica River: Within community	*803
Maps available for inspection at the Clerk Treasurer's Office, Village Hall, Gratiot, Wisconsin.	
Hixton (village), Jackson County (FEMA Docket No. 6709)	
Trempealeau River:	
About 0.7 mile downstream of County Highway FF	*916
Just downstream of Interstate 94	*925
Maps available for inspection at the Village Hall, 145 East Main, Hixton, Wisconsin.	
Lafayette County (unincorporated areas), (FEMA Docket No. 6703)	
Pecatonica River:	
At downstream county boundary	*790
Just downstream of U.S. Highway 151	*862
East Branch Pecatonica River:	
At mouth	*790
About 3.4 miles upstream of State Highway 78	*820
Blue Mounds Branch: Within county	*820
Vinegar Branch:	
About 0.14 mile upstream of mouth	*824
Just downstream of County Highway F	*832
Wood Branch:	
At mouth	*832
Just downstream of County Highway O	*887
Bonner Branch:	
At mouth	*834
Just upstream of Chicago, Milwaukee, St. Paul, and Pacific Railroad (about 15.5 miles above mouth)	*1,036
Mineral Point Branch:	
At mouth	*839
About 0.84 mile upstream of East Oak Park Road	*861
Galena River:	
About 0.68 mile downstream of County Highway H	*852
About 0.31 mile upstream of confluence of Pat's creek	*866
New Diggings Tributary:	
About 0.14 mile upstream of mouth	*737
About 0.18 mile upstream of Ollie Bell Road	*797
Maps available for inspection at the Zoning Administrator's Office, County Courthouse, Darlington, Wisconsin.	
Mellen (city), Ashland County (FEMA Docket No. 6703)	
Bad River:	
About 0.75 mile downstream of East Tyler Street	*1,223
At western corporate limits	*1,237
Devils Creek:	
At mouth	*1,227
About 4,200 feet upstream of First Avenue	*1,250
Maps available for inspection at the Clerk's Office, City Hall, 102 Bennett Street, Mellen, Wisconsin.	

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD) modified
Rusk County (unincorporated areas), (FEMA Docket No. 6709)	
Chippewa River:	
At county boundary	*1,045
About 4.1 miles upstream of County Highway E	*1,060
Flambeau River:	
At mouth	*1,056
About 6.0 miles upstream of mouth	*1,073
About 2.3 miles downstream of County Highway G	*1,098
About 1.5 miles upstream of Highway 8	*1,117
Maps available for inspection at the Zoning Administrator's Office, Rusk County Courthouse, 311 Mines Street, Ladysmith, Wisconsin.	
South Wayne (village), Lafayette County (FEMA Docket No. 6703)	
Pecatonica River: Within community	*790
Maps available for inspection at the Village Clerk's Office, Village Hall, South Wayne, Wisconsin.	

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The modified base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Any appeals of the proposed base flood elevations which were received have been resolved by the Agency.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD). Modified
COLORADO	
Colorado Springs (city), El Paso County (FEMA Docket No. 6614)	
Bear Creek: 50 feet upstream from center of South Eighth Street	*5,980
Camp Creek: 90 feet upstream from center of Chambers Way	*6,264
Cheyenne Creek: 30 feet upstream from center of Woodburn Street	*5,967
Cottonwood Creek: 120 feet upstream from center of Colorado State Highway 83	*6,277
Douglas Creek North: 25 feet upstream from center of Garden of the Gods Road	*6,304
Douglas Creek South: 50 feet upstream from center of Chestnut Street	*6,197
Fountain Creek: 50 feet upstream from center of U.S. Highway 85/87 (Nevada Avenue)	*5,907
Mesa Basin: 200 feet upstream from center of Fillmore Street	*6,394
Monument Creek: 50 feet upstream from center of Garden of the Gods Road	*6,162
Peterson Field Drainage: 10 feet upstream from center of Monica Drive	*5,922
Rockrimmon Basin: 10 feet upstream from center of Rockrimmon Boulevard	*6,424

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD). Modified
Sand Creek: 25 feet upstream from center of Palmer Park Boulevard	*6,305
Sand Creek East Fork: 50 feet upstream from center of Powers Boulevard	*6,119
Sand Creek Center Tributary: 50 feet upstream from center of Pikes Peak Avenue	*6,154
South Shooks Run: 100 feet upstream from center of Atchison, Topeka and Santa Fe Railroad	*5,920
Spring Creek: 25 feet upstream from center of Chelton Road	*5,959
Spring Creek East Fork: 35 feet upstream from center of Pikes Peak Avenue	*6,026
Templeton Gap Floodway: 50 feet upstream from center of Van Teylingen Drive	*6,399
Templeton Gap Lower Tributary: 150 feet upstream from center of Austin Bluffs Parkway	*6,269
Templeton Gap Upper Floodway: 75 feet downstream from center of Westwood Boulevard	*6,396
Pine Creek: 110 feet upstream from center of U.S. Interstate 25	*6,300
North Pine Creek: At the confluence with Pine Creek	*6,727
Kettle Creek: 70 feet upstream from center of Old Ranch Road	*6,664
Dry Creek: 20 feet upstream from center of Mikado Drive	*6,387
Big Valley: 20 feet upstream from center of Delmonico Drive	*6,453
North Channel Dry Creek: 100 feet upstream from confluence with Dry Creek	*6,610
South Valley Dry Creek: 80 feet upstream from confluence with Dry Creek	*6,652
North Fork Dry Creek: 300 feet upstream from confluence with Dry Creek	*6,892
Maps available for inspection at City Engineer's Office, 30 South Nevada, Colorado Springs, Colorado.	
El Paso County (unincorporated areas) (FEMA Docket No. 6645)	
Fountain Creek: 50 feet upstream from the centerline of Old Pueblo Road	*5,360
Upper Fountain Creek: 10 feet upstream from the centerline of Manitou Avenue	*6,564
Cottonwood Creek: 50 feet downstream from the centerline of Academy Boulevard	*6,386
Jimmy Camp Creek: Centerline of Peaceful Valley Road	*5,675
East Tributary Jimmy Camp Creek: 50 feet downstream from the centerline of Meridian Road	*5,910
Franceville Tributary to Jimmy Camp Creek: Centerline of Drennan Road	*5,901
Corral Tributary: 25 feet upstream from the centerline of Drennan Road	*5,866
Mines Subtributary to Corral Tributary: Centerline of State Highway 94	*6,200
Kettle Creek: 70 feet upstream from the centerline of Otero Avenue	*6,634
Monument Creek: Centerline of Mount Herman Road	*6,869
Pine Creek: Centerline of Burns Road	*6,398
Pine Creek Overflow: 200 feet upstream from the confluence with Pine Creek	*6,341
Sand Creek: 50 feet upstream from the centerline of Las Vegas Street	*5,820
Sand Creek East Fork: Centerline of Peterson Boulevard	*6,291
Sand Creek Center Tributary: 50 feet upstream from the centerline of Terminal Avenue	*6,216
Sand Creek East Fork Subtributary: 25 feet upstream from the centerline of the Cadillac and Lake City/Colorado and Eastern Railroad	*6,544
Security Creek: 20 feet upstream of intersection of Bradley Street and Widefield Boulevard	*5,676
Spring Creek: 50 feet downstream from the centerline of the Denver and Rio Grande Western Railroad	*5,854
Templeton Gap Floodway: Intersection of Date Street and Lotus Street	*6,431
Widefield Creek: Centerline of Harvard Street	*5,666
Windmill Gulch: Centerline of Grand Boulevard	*5,738

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD). Modified
Peterson Field Drainage: Centerline of Las Vegas Street	*5,814
Dry Creek: Centerline of Centennial Boulevard	*6,607
Maps available for inspection at Land Use Department, 20 East Vermijo Street, Colorado Springs, Colorado.	
TEXAS	
Waller County (FEMA Docket No. 6541)	
Bell Bottom Creek:	
Confluence with Bessies Creek	*124
Approximately 200 feet downstream of FM 359	*142
Upstream side of FM 359	*146
Bessies Bayou:	
Confluence with Bessies Creek	*124
Confluence of Irons Creek	*124
Bessies Creek:	
At County boundary	*115
Approximately 160 feet upstream of Boseman Lane	*133
Approximately 0.7 mile upstream of Mikeska Road	*158
East Tributary of Bessies Creek:	
Confluence with Bessies Creek	*148
Approximately 690 feet upstream of Adams Flat Road	*154
Approximately 1,110 feet upstream of Mikeska Road	*163
Approxiately 1.2 miles upstream of Mikeska Road	*180
Birch Creek:	
Confluence with Walnut Creek	*231
Approximately 530 feet upstream of FM 1488	*233
Approximately 320 feet upstream of confluence of West Tributary of Birch Creek	*253
Downstream side of Carlton Road	*263
West Tributary of Birch Creek:	
Confluence with Birch Creek	*253
Downstream side of Carlton Road	*271
Blasingame Creek:	
Upstream side of Southern Pacific Railroad	*230
Approximately 680 feet upstream of Southern Pacific Railroad	*230
Brazos River (west of Brookshire):	
Downstream County boundary	*117
Approximately 110 feet upstream of Missouri-Kansas-Texas Railroad	*122
Upstream side of FM 1458	*127
Brazos River (west of Hempstead):	
Downstream side of State Highway 159	*162
Approximately 1,480 feet upstream of U.S. Highway 290	*170
Brookshire Creek:	
County boundary	*119
Approximately 420 feet upstream of FM 359	*129
Approximately 320 feet upstream of Interstate Highway 10	*153
Downstream side of Stellar Road	*162
West Fork of Brookshire Creek:	
Approximately 0.9 mile downstream of Rheman Cutoff Road	*117
Approximately 130 feet downstream of Rheman Cutoff Road	*133
Approximately 1.2 miles upstream of Rheman Cutoff Road	*158
Brushy Creek:	
Lakeside Drive (extended)	*211
Approximately 110 feet downstream of Robin Hood Lane	*216
Approximately 530 feet upstream of FM 1488	*262
Upstream side of Bowler Road	*279
Can Island Branch:	
First Street	*142
Approximately 630 feet downstream of Morton Road	*152
Clay Road	*158
Cedar Creek:	
Approximately 0.5 mile downstream of confluence of South Fork of Cedar Creek	*242
Approximately 110 feet upstream of confluence of South Fork of Cedar Creek	*248

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD). Modified
Approximately .5 mile upstream of confluence of South Fork of Cedar Creek	*265
South Fork of Cedar Creek:	
Confluence with Cedar Creek	*248
Approximately 600 feet upstream of FM 2979	*260
Clear Creek:	
Approximately 1.2 miles downstream of Southern Pacific Railroad	*176
Approximately 740 feet downstream of U.S. Highway 290	*183
Downstream side of Laneview Road	*243
North Branch of Clear Creek:	
Confluence with Clear Creek	*203
Approximately 1,640 feet upstream of Kelly Road	*228
Approximately 0.8 mile upstream of Kelly Road	*236
Gladdish Creek:	
Confluence with Clear Creek	*220
Approximately 1,640 feet upstream of FM 1736	*266
Approximately 1.2 miles upstream of FM 1736	*276
North Branch of Gladdish Creek:	
Confluence with Gladdish Creek	*249
Approximately 150 feet downstream of FM 1736	*253
Approximately 850 feet upstream of FM 1736	*258
Irons Creek:	
Confluence with Brazos River	*123
Approximately 1,700 feet downstream of Garret Road	*130
Kellner Creek/Tributary to Kellner Creek:	
Approximately 180 feet downstream of Interstate Route 10 westbound	*122
Approximately 370 feet downstream FM 1489	*161
Approximately 1,800 feet upstream of FM 1489	*164
Mound Creek:	
Confluence with Cypress Creek	*186
Approximately 250 feet downstream of Mathis Road	*209
Approximately 370 feet downstream of Penick Road	*221
Approximately 0.9 mile upstream of Blinka Road	*249
East Fork of Mound Creek:	
Confluence with Mound Creek	*222
Approximately 1.3 miles upstream of Penick Road	*239
Middle Fork of Mound Creek:	
Confluence with Mound Creek	*229
Approximately 480 feet upstream of County Road (approximately 0.7 mile upstream of confluence with Mound Creek)	*233
Approximately 0.5 mile upstream of Waller Street	*254
West Fork of Mound Creek:	
Confluence with Mound Creek	*233
Approximately 210 feet downstream of Old Houston Highway	*240
Approximately 580 feet upstream of U.S. Highway 290	*245
South Fork of Mound Creek:	
Confluence with Mound Creek	*236
Upstream side of Kulhanek Lane	*245
Approximately 0.5 mile upstream of Kulhanek Lane	*255
Ponds Creek:	
Confluence with Clear Creek	*185
Downstream side of FM 1098	*235
Downstream side of Mayer Road	*267
East Tributary of Ponds Creek:	
Confluence with Ponds Creek	*246
Upstream side of Mayer Road	*292
North Tributary of Ponds Creek:	
Confluence with Ponds Creek	*259
At Mayer Road	*263
Snake Creek:	
Upstream side of Missouri-Kansas-Texas Railroad	*146
Downstream side of Schliph Road	*161
Threemile Creek:	
At County boundary	*209
Approximately 420 feet upstream of Macedonia Road	*223
Upstream side of Joseph Road	*243
Approximately 580 feet upstream of FM 362	*275

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD). Modified
At County Road approximately 0.8 mile upstream of Robinson Road	*287
North Branch of Threemile Creek:	
Confluence with Threemile Creek	*276
Downstream side of FM 362	*282
Downstream side of Reids Prairie Road	*299
South Branch of Threemile Creek:	
Confluence of Threemile Creek	*275
Approximately 0.5 mile upstream of confluence of Threemile Creek	*278
Walnut Creek:	
Downstream County boundary	*223
Approximately 370 feet upstream of Rice Road	*242
Upstream side of Reids Prairie Road	*290
Upstream County boundary	*300
Willow Fork Buffalo Bayou:	
Approximately 0.4 mile downstream of County boundary	*146
County boundary	*148
Cypress Creek:	
County boundary	*171
Approximately 500 feet downstream of Sharp Road	*175
Confluence of Mound Creek	*186
Tributary 7.62 to Mound Creek:	
Confluence with Mound Creek	*217
County boundary	*221
Maps available for inspection at the Floodplain Administration Office, 2036 Ninth Street, Hempstead, Texas 77445.	

Issued: October 7, 1986.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 86-23702 Filed 10-20-86; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 84-14; RM-4601, RM-4720, RM-4826, RM-5180, RM-5181, RM-5182]

Radio Broadcasting Services; Cookeville, Donelson, Livingston, Lebanon, Celina, South Pittsburg, Goodlettesville, and Smyrna, TN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 234C in lieu of Channel 232A and modifies the license for Station WGSQ, Cookeville, Tennessee. In addition, the document allots Channel 246C2 to Goodlettesville, Tennessee, and Channel 229A to Celina, Tennessee. In doing so, it was necessary to either deny or dismiss proposals for Channel 231A in Smyrna, Tennessee, Channel 246 in Livingston, Tennessee, Channel 231A in Woodbury, Tennessee, Channel 246A in Lebanon, Tennessee, Channel 246C1 in Celina, Tennessee, and Channel 246A in Donelson, Tennessee. With this action, this proceeding is terminated.

EFFECTIVE DATE: November 17, 1986; the window period for filing applications will open on November 18, 1986, and close on December 17, 1986.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 84-14, adopted September 24, 1986, and released October 10, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. In § 73.202(b), the table of allotments is amended, under Tennessee, by adding Celina, Channel 229A, adding Goodlettesville, Channel 246C2, adding Cookeville, Channel 234, and by removing Cookeville, Channel 232A.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-23708 Filed 10-20-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-373; RM-5042]

Radio Broadcasting Services; Harbor Beach, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates Channel 289C2 to Harbor Beach, Michigan, in response to a petition filed by DCS Associates, and modifies the permit of Station WWTM to specify operation on Channel 289C2 instead of

Channel 288A. With this action, this proceeding is terminated.

EFFECTIVE DATE: November 17, 1986.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 85–373, adopted September 30, 1986, and released October 10, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202(b) [Amended]

2. In § 73.202(b), the table of allotments is amended by revising the entry of Harbor Beach, Michigan, to delete Channel 288A and add Channel 289C2.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–23709 Filed 10–20–86; 8:45 am]

BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 51, No. 203
Tuesday, October 21, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240 and 249

[Rel. No. 34-23694; File No. S7-27-86]

Temporary Rule and Form for Form 13F Reports

AGENCY: Securities and Exchange Commission.

ACTION: Proposal of temporary rule and form.

SUMMARY: The Commission announces the proposal of a temporary rule and form to facilitate the use of the Commission's electronic disclosure system, Edgar, by institutional investment managers filing reports on Form 13F.

DATE: Comments on the proposal should be received on or before November 20, 1986.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. All comment letters should refer to File No. S7-27-86. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 5th Street NW., Washington, DC 20549.

FOR FURTHER INFORMATION CONTRACT: With respect to filings, Patsy W. Mengiste, Financial Analyst (202) 272-7715, or Anthony A. Vertuno, Senior Special Counsel, Edgar Pilot Branch (202) 272-7710; with respect to the proposal temporary rule and form, Thomas S. Harman, Special Counsel, Office of Disclosure and Adviser Regulation (202) 272-2107 or Gerald T. Lins, Attorney, Office of Chief Counsel (202) 272-2030 Division of Investment Management, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission") announces the proposal of a temporary rule and form to facilitate the voluntary participation of institutional investment managers ("Managers") in the Commission's electronic disclosure system ("Edgar"). To permit electronic filing through magnetic tape by Managers who are required by section 13(f)(1) [15 U.S.C. 78m(f)(1)] of, and Rule 13f-1 [17 CFR 204.13f-1] under, the Securities Exchange Act of 1934 [15 U.S.C. 78a-78jj] ("Exchange Act") to file quarterly reports on Form 13F [17 CFR 249.325], the Commission is proposing temporary Rule 13f-2(T) [17 CFR 240.13f-2(T)] under the Exchange Act. This rule would adopt various definitions and procedures to accommodate electronic filings under Section 13(f)(1) and Rule 13f-1. In addition, the Commission is proposing temporary Form 13f-E [17 CFR 249.326(T)], which enables Managers to file their quarterly Form 13F reports through Edgar.

I. Background

The Commission is currently conducting a Pilot program for electronic filing with a view to providing, in a fully operational system, electronic filing and dissemination of most, if not all, disclosure documents filed with the Commission. As part of the implementation of this electronic filing system, known as Edgar (for Electronic Data Gathering, Analysis, and Retrieval), the Commission announced on June 27, 1984, the adoption of temporary rules and forms to enable volunteer participants to use Edgar to file disclosure documents under the Securities Act of 1933 ("Securities Act"), the Exchange Act, and the Trust Indenture Act of 1939.[1] On May 23, 1985, the Commission took similar action with respect to registrants filing under the Public Utility Holding Company Act of 1935.[2] On September 23, 1985, the Commission announced the adoption of temporary rules and form amendments to facilitate the participation of registered investment companies in Edgar.[3] Edgar filings are submitted electronically by direct transmission over telephone lines or by delivery of diskette or magnetic tape. Documents submitted through Edgar are reviewed in the same manner as other filings and are available to the public in the Commission's Public Reference Rooms (Washington, Chicago, and New York City) on microfiche and on viewing terminals.

Adopted as part of the Securities Acts Amendments of 1975,[4] section 13(f)(1) of the Exchange Act requires Managers exercising investment discretion with respect to accounts holding section 13(f) securities [5] with an aggregate fair market value of at least $100,000,000 on the last trading day of any month within a calendar year to file a report on Form 13F with the Commission at the times set forth in Rule 13f-1. Form 13F reports are available to the public at the Commission's Public Reference Room promptly after filing. Two tabulations of the information contained in these reports are available for inspection: (1) An alphabetical list of individual securities, showing the number of shares held by each reporting Manager; and (2) a list with the total number of shares of a security reported by all reporting Managers.

Section 13(f)(4) [15 U.S.C. 78m(f)(4)] of the Exchange Act directs the Commission to minimize the compliance burden on Managers. However, there is currently no provision for electronic filing of Form 13F in the Edgar Pilot.

II. Discussion

The legislative history of section 13(f) reveals that Congress intended that information reported on Form 13F would one day be filed electronically.[6] Many

[1] Securities Act Rel. No. 6539 (June 27, 1984).
[2] Securities Act Rel. No. 6581 (May 23, 1985).
[3] Securities Act Rel. No. 6604 (Sept. 23, 1985).

[4] Securities Act Amendments of 1975, Pub. L. No. 94-29, 89 Stat. 97 (codified as amended in scattered sections of 15 U.S.C.).

[5] Rule 13f-1(c) defines the term "section 13(f) securities" as equity securities of a class described in Section 13(d)(1) of the Exchange Act that are admitted to trading on a national securities exhange or quoted on the automated quotation system of a registered securities association.

[6] The Senate Report states:

Because rapid dissemination of the institutional disclosure information to the public is a fundamental purpose of the bill, and rapid dissemination would be materially enhanced by submission of the information to the SEC in a computer processable form, the bill is drawn broadly enough to enable the SEC to adopt rules, if it finds it appropriate, requiring submission of such information in computer processable form as well as in narrative form by all institutional disclosure respondents.

S. Rep. No. 75, 94th Cong., 1st Sess 87 (1975).

Managers presently file computer printouts of reports of securities holdings for purposes of Rule 13f-1. By allowing these reports to be filed electronically on magnetic tape, Managers will no longer have to reduce computer reports to paper solely to file them under Rule 13f-1. The use of Edgar could thus expedite these filings and reduce costs.

As stated above, a set of temporary rules and forms are in place to govern Edgar filings under various securities laws. Rule 499(b) [17 CFR 230.499(b)] under the Securities Act defines several terms relevant to Edgar filings. Rule 13f-2(T) would incorporate these definitions for purposes of filing on Form 13F-E and would suspend or replace other requirements under the Exchange Act or its rules regarding certain procedural filing requirements.

Reports filed under Rule 13f-2(T) would be filed on magnetic tape *exclusively*, not by direct transmission or diskette. This exclusive filing method is proposed because of the requirement for format uniformity to facilitate automated manipulation of the data and the fact that Form 13F reports can include very large amounts of data. In addition, requiring tape submission for these filings would obviate the need to provide additional direct transmission resources for the Edgar pilot to receive these filings, thus producing economies for the Commission during the Pilot and, depending on the configuration of the operational system, for the Commission's operational contractor as well. As with all other tape and diskette filings, a signature page still would be filed on paper through the use of Form ET [17 CFR 274.401]. Form 13F-E includes instructions for filing, and a more complete explanation is available in the Edgar User Manual for filers.[7]

The Commission's Request for Proposals for the operational Edgar system states the Commission's expectation that electronic filing of disclosure documents and reports, except for a few excepted forms, will eventually be mandatory, and specifically mentions Form 13F as a form type whose electronic filing is expected to be made mandatory. The Commission has published an advance notice of rulemaking soliciting comment on the rulemaking needed for the operational Edgar system, including that relating to mandatory electronic filing.[8]

[7] Form 13F-E and the relevant portions of the Edgar User Manual appear in Appendixes A & B, respectively.

[8] *See* Securities Act Rel. No. 6651 (June 26, 1986).

If a Manager requests confidential treatment for certain securities holdings, they would not be included on the filing on Form 13F-E. Rather, requests would continue to be handled by filing paper copies of the request and a report of the securities holdings for which confidential treatment is requested.

III. Cost Benefit of Proposed Action

Proposed temporary Rule 13f-2(T) and proposed temporary Form 13F-E would not impose any significant additional burdens on Managers and could reduce the costs they incur by providing them with the option of filing electronically or on paper, whichever is least burdensome for them. The Commission and the public would benefit from the use of electronic filing by more rapid dissemination of the information in these reports.

IV. Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act [5 U.S.C. 605(b)], the Chairman of the Commission has certified that proposed temporary Rule 13f-2(T) will not, if adopted, have a significant impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to this release.

V. Request for Comments

The Commission solicits comments on its proposed procedure for filing Form 13F reports electronically. Comment is also requested as to the format of temporary Form 13F-E and, in particular, whether the proposed format is adequate for all reporting situations. Because the Commission is moving forward toward the establishment of the operational Edgar system, in which the electronic filing of these reports will be mandatory, comment at this stage will be especially helpful in making sure that the form adopted will be appropriate for the operational system.

List of Subjects in 17 CFR Parts 240 and 249

Reporting and recordkeeping requirements, Securities.

Text of Proposed Temporary Rule; Text of Proposed Temporary Form Amendments

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for Part 240 is amended by adding the following citation:

Authority: Section 23, 48 Stat. 901 as amended, 15 U.S.C. 78W * * *.

Section 240.13f-2(T) also issued under section 13(f)(1) of the Securities Exchange Act of 1934 [15 U.S.C. 78m(f)(1)].

2. By adding § 240.13f-2(T) to read as follows:

§ 240.13f-2(T) EDGAR Filing of Form 13F Reports by Institutional Investment Managers.

(a) An institutional investment manager required by section 13(f)(1) [15 U.S.C. 78m(f)(1)] and Rule 13f-1 [§ 240.13f-1 of this Chapter] under the Exchange Act to file a report on Form 13F [§ 249.325 of this Chapter] with the Commission may file that report on magnetic tape in the format described in Form 13F-E [§ 249.326(T) of this Chapter]. The cover page of such form, which includes the signature of the institutional investment manager, must be filed on paper.

(b) *Definitions.* Unless otherwise specifically provided, the terms used in this rule have the same meaning as in the Exchange Act and in the rules and regulations prescribed under the Exchange Act. In addition, the definition of terms provided in Rule 499(b) [17 CFR 230.499(b)] under the Securities Act of 1933 shall define those terms wherever they appear in this rule or form, unless the context otherwise requires.

(c) *Suspended or substituted requirements.* The following paragraphs refer to requirements that are suspended or replaced, in whole or part, for a document in an electronic format.

(1) *Filing of documents incorporated by reference.* Wherever a document, or part thereof, which is incorporated by reference into a directly transmitted electronic filing is required to be filed with, provided with, or to accompany the filing to the Commission and that document is not in an electronic format, that requirement shall be suspended, provided that the exhibit has been filed with or provided to the Commission previously. Any requirement as to delivery or provision to persons other than the Commission shall not be affected by this rule.

(2) *Number of copies required.* One copy of a document, or any portion thereof, which is filed in an electronic format, shall satisfy any requirement that more than one copy of such document or portion thereof must be

filed with or provided to the Commission.

PART 249—FORMS PRESCRIBED UNDER THE SECURITIES EXCHANGE ACT OF 1934

3. The authority citation for Part 249 is amended by adding the following citation:

Authority: The Securities Exchange Act of 1934, 15 U.S.C. 78a *et seq.*, unless otherwise noted. Section 249.326(T) also issued under Section 13(f)(1) [15 U.S.C. 78m(f)(1)].

4. By adding § 249.326(T) as follows:

§ 249.326(T) Form 13F-E, for filing of Form 13F reports on magnetic tape.

This form shall be used by institutional investment managers who elect to file their Form 13F reports on magnetic tape.

By the Commission.

Jonathan G. Katz,

Secretary.

October 8, 1986.

Appendix A—Form 13F-E for Filing 13F Reports on Magnetic Tape

Exchange Act Forms

[Form 13F-E]

Information Required of Institutional Investment Managers Pursuant to Section 13(f) of the Securities Exchange Act of 1934 and Rules Thereunder

General Instructions

A. Rules as to use of Form 13F-E. Form 13F-E shall be used for electronically filed reports of institutional investment managers ("Managers") required to be filed by section 13(f) of the Securities Exchange Act of 1934 [15 U.S.C. 78m(f)] and Rule 13f-1 [17 CFR 240.13f-1] thereunder.

B. Rules to Prevent Duplicative Reporting. If two or more Managers, each of which is required by Rule 13f-1 to file a Security Holdings Report for the reporting period, exercise investment discretion with respect to the same securities, only one such Manager shall include information regarding such securities in its reports. Such Manager shall name any other Manager with respect to which the filing is made in the manner described in Special Instruction i. Any Manager having any securities over which it exercises investment discretion reported by another Manager or Managers on Form 13F-E shall file a facing page and a separate page under Form ET (Electronic Transmittal) indicating the name of the entity or entities reporting on its behalf. If such other Manager or Managers report for only part of the securities with respect to which a Manager has investment discretion, the Manager shall file a Security Holdings Report with respect to securities not otherwise reported.

C. Filing of Form 13F-E. A Manager which is required to file a Security Holdings Report pursuant to Rule 13f-1 and elects to file its Report electronically shall file Form 13F-E with the Commission in accordance with the timing requirements set forth in Form 13F General Instruction C. As required by section 13(f)(4) of the Act [15 U.S.C. 78m(f)(4)], a Manager which is a bank and is required to file with other regulatory agencies, shall file a copy of the Security Holdings Report with the other regulatory agencies in any of the following manners:

i. On Form 13F (used by Managers filing on paper with the Commission);

ii. On Form 13F-E in computer printout format; or

iii. On Form 13F-E in electronic format (if acceptable by the other regulatory agencies).

Reference is made to Form 13F General Instruction C for the other regulatory agency filing requirements.

D. Confidentiality. All requests for and information subject to the request for confidential treatment filed pursuant to section 13(f)(3) [15 U.S.C. 78m(f)(3)] of the Act, shall be filed in paper format in accordance with General Instruction D of Form 13F.

E. List of section 13(f) Securities. The list of section 13(f) securities can be obtained at a reasonable fee from the Securities and Exchange Commission, 450 Fifth Street, NW., Washington DC 20549.

F. Preparation of Electronic Filing. Reference is made to the Edgar User Manual, Form 13F-E Special Electronic Filing Instructions for submission and formatting requirements of this form.

Special Instructions

i. If this form is used to report with respect to more than one Manager, the list of all such Managers (other than one filing this form) required to be on the facing page shall be in alphabetical order and alpha characters assigned consecutively.

ii. In calculating fair market value, use the value on the last trading day of the calendar quarter. Values shall be rounded to the nearest one thousand dollars.

iii. The Manager filing the report must report holdings of all classes of securities appearing in the most recently published list of Section 13(f) securities, except that holdings of fewer than 10,000 shares (or less than $200,000 principal amount in the case of convertible debt securities) and less than $200,000 aggregate fair market value (and options holdings to purchase only such amounts) need not be reported.

Holdings of options must be reported only if the options themselves are Section 13(f) securities. For purposes of the $100,000,000 reporting threshold, only the value of such options should be considered, not the value of the underlying shares. However, the responses to Items 1–5 and 7–8 shall be given in terms of the securities underlying the options, not the options themselves. Item 6 shall be answered in terms of the discretion to exercise the option. A separate segregation in respect to securities underlying options shall be made in response to each of the items, coupled with a designation "Put" or "Call" following such segregated response to Item 5, referring to securities subject respectively to put and call options. No response to Item 8 need be given for securities subject to reported call options.

iv. In responding to Items 4–8, list securities of the same issuer and class with respect to which the Manager exercises sole investment discretion separately from those with respect to which investment discretion is shared. The instructions for Item 6 describe in detail how to report shared investment discretion.

v. Instructions for each Item.

Item 1. Provide the name of the issuer of each class of security reported as it appear in the current list of Section 13(f) securities published by the Commission in the "NAME OF ISSUER" field.

Item 2. Provide the title of class of the security reported as it appears in the current list of Section 13(f) securities published by the Commission in the "TYPE " field.

Item 3. Provide the 6-digit issuer CUSIP number, the 2-digit issue number suffix, and the 1-digit check digit in the "CUSIP" field.

Item 4. Provide the market value of the holding of a particular class of security as prescribed in Special Instruction ii above in the "VALUE" field.

Item 5. Provide the total number of shares of a class of security or principal amount of such class in the "SHARES or PRINCIPAL AMOUNT" field, and designate "SH" for shares and "PRN" for principal amount in the "SH/PRN" field.

Item 6. This item requires the report of holdings of securities of a class to be segregated according to the nature of the investment discretion which may be exercised as to such securities. Accordingly, unless the reporting manager exercises sole investment discretion with respect to all such

securities, do not report as to such securities in the aggregate, but divide the report as to such securities in the manner described below.

1. Segregate aggregate shares as to which sole investment discretion is exercised, and report them on one line. Designate "SOLE" in the "DISCRETION" field.

2. Segregate shares as to which investment discretion is shared in the manner described below:

(1) Controlling and controlled companies (such as bank holding companies and their subsidiaries);

(2) Investment advisers and investment companies advised by them; and

(3) Insurances companies and their separate accounts.

3. Further segregate shares as to which investment discretion is shared in the manner described in the preceding instruction to separately identify each instance in which investment discretion is shared with another Manager on behalf of whom this report is filed. Report each such instance on separate lines, and designate "DEFINED" in the "DISCRETION" field in each case (see Instructions for Item 7). On a separate line report the aggregate shares as to which investment discretion is shared in the manner described in the preceding instruction with any other person, and designate "DEFINED" in the "DISCRETION" field.

4. Following the procedure described in the preceding instruction for reporting instances in which investment discretion is shared in a manner other than that described in 2 above, designate "OTHER" in the "DISCRETION" field.

Item 7. The reporting Manager shall identify those other Mangers on whose behalf this report is being filed in this field by entering the alpha characters (up to 14 characters) assigned to such Managers on the facing page (not is name or 13F File number). This character shall appear, in the "MANAGERS" field, opposite the segregated responses to Items 4, 5 and 8 (and the relevant indication of shared discretion set forth in Item 6) as required by the preceding instruction. No other names, numbers, or characters should be placed in this field.

Item 8. The Manager shall report the number of shares for which the Manager exercises sole, shared, or no voting authority in the "SOLE", "SHARED" or "NONE" field. Where the Manager exercises sole voting authority over specified "routine" matters and no authority to vote in "non-routine" issues, it is deemed for this report to have no voting authority. "Non-routine" issues would include a contested election of directors, a merger, a sale of substantially all the assets, a change in the articles of incorporation affecting the rights of shareholders or a change in fundamental investment policy; while "routine" issues would include selection of an accountant, uncontested election of directors, or approval of an annual report. If voting authority is shared only in a manner similar to a sharing of investment discretion which would call for a "defined" response under Item 6, then do not report voting authority as shared but rather as sole.

Report Total. The Manager shall report an aggregate report total for Item 4 only in the "VALUE" field.

Appendix B—Supplement to Edgar User Manual—Special Electronic Filing Instructions for Form 13F–E

Supplement to Edgar User Manual

Form 13F–E Special Electronic Filing Instructions

The following instructions relate solely to the magnetic tape specifications and the submission and format requirements for electronic filings made on Form 13F–E. Reference is made to Form 13F–E for filing and content requirements of this form.

Prior to filing Form 13F–E a filer must obtain a CIK and Password by completing and submitting Form ID. See Appendix A–3 for a sample of Form ID. For specific instructions on preparing and making electronic filings on magnetic tape see Chapters II and V.

i. General Formatting Instructions

Form 13F–E electronic filings must adhere to the tape specifications, submission and formatting requirements set forth below. Because these filings will be uniformly formatted, certain requirements for other Edgar filings are omitted; document headers, page headers, and the EOFEOFEOF record are omitted, and the usual multiple record submission header is replaced by a single submission header record at the beginning of the filing.

Tape Specifications:

Tracks—9
Density—1600 or 6250
Code—EBCDIC
Label—IBM standard or no label
Logical record size—132 bytes
Blocking Factor—10

Form 13F–E contains several types of fixed field records: the submission header record (one record), the Reporting Manager record (one records), other Managers records (one record for each other Manager), holdings records (one record for each holding reported), and the report total record (one record). The format specified for fixed field records must be adhered to by all filers. The filing also includes certain textual information from the cover page of the report; the filer has complete flexibility in formatting that textual information, provided that the first character of each record is left blank and the number of characters per record does not exceed 78.

The record formats set forth below for fixed field records specify the fields required, their size and location within the record, and, where appropriate, the data types to be entered in the fields. Where responses require more characters than allotted, appropriate abbreviations should be used.

Text appearing in quotes should be entered verbatim in the designated field without the quotes.

When entering data into:

Numeric value fields (designated as "N", suppress leading zeros and do not punctuate;

Alpha fields (designated as "A"), leading blanks are not permitted.

The first column of each record, whether fixed field or free text, shall contain one of the following record type indicators:

Indicator and Type of Record

H—Submission header record
R—Reporting Manager record
M—Other Manager record
D—Security holdings (data) record
S—Report total (summary) record
Blank—Text

If the Reporting Manager or other Managers on whose behalf the report is filed are new filers, the 13F number field should be left blank.

When filing the Security Holdings Report on behalf of other Managers, enter the names of the other Managers in alphabetical order and assign a unique alpha character ("A" through "Z") to each. A separate record must be submitted for each other Manager.

ii. Specific Formatting Instructions

The first record in the filing must be the submission header record in the following format:

Submission Header Record			
Field	Column	Chars	
1	1	1	"H"
2	2–7	6	Filer's CIK
3	8	1	Blank
4	9–14	6	Filer's Password
5	15	1	Blank
6	16–22	7	Form Type ("13F–E")
7	23	1	Blank
8	24–31	8	Ending date of period covered by report (MM/DD/YY)
9	32	1	Blank

Submission Header Record			
Field	Column	Chars	
10	33–62	30	Name of Filer
11	63	1	Blank
12	64–82	20	Filer's contact person for filing
13	83	1	Blank
14	84–103	20	Telephone number of contact person

The submission header record must be followed by the Reporting Manager's records as follows:

Reporting Manager's Record			
Field	Column	Chars	
1	1	1	"R"
2	2–51	50	Name of Reporting Manager (A)
2	52	1	Blank
3	53–59	7	Reporting Manager's 13F file number, including hyphen (A)
4	60	1	Blank
5	61–68	8	Last date of the calendar year or quarter for which the report, is submitted (enter in MM/DD/YY format)
6	69	1	Blank
7	70	1	"A" if filing is an amendment, otherwise blank (A)

The Reporting Manager's record is to be followed by the following text.

INFORMATION REQUIRED OF INSTITUTIONAL INVESTMENT MANAGERS PURSUANT TO SECTION 13(f) OF THE SECURITIES EXCHANGE ACT OF 1934 AND RULES THEREUNDER

Securities and Exchange Commission
Washington, DC 20549

Business Address:
(Street, City, State, and Zip Code)

(Name, Title and Phone Number of Person Duly Authorized to Submit this Report)

ATTENTION—Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(1).

The institutional investment manager submitting this Form and its attachments and the person by whom it is signed represent hereby that all information contained therein is true, correct and complete. It is understood that all required items, statements and schedules are considered integral parts of this Form and that the submission of any amendment represents that all unamended items, statements and schedules remain true, correct and complete as previously submitted.

The text is to be followed by the other Manager's records, which should be formatted as follows:

Other Managers' Records			
Field	Column	Chars	
1	1	1	Blank
2	2–72	71	"NAME AND 13F FILE NUMBERS OF ALL INSTITUTIONAL INVESTMENT MANAGERS WITH"
1	1	1	Blank
2	2–70	69	"RESPECT TO WHICH THIS SCHEDULE IS FILED (OTHER THAN THE ONE FILING THIS)"
1	1	1	Blank
2	2–9	8	"(REPORT)."
1	1	1	Blank
2	2–5	4	Blank
3	6–9	4	"NAME"
4	10–60	51	Blank
5	61–74	10	"13F File NUMBER"
1	1	1	"M"
2	2	1	Alpha character assigned to other Manager, this report is submitted for
3	3–5	3	Blank
4	6–55	50	Name of other Manager
5	56–60	5	Blank
6	61–67	7	Other Manager's 13F Number (including hyphen)

Repeat final record for each other Manager.

ii. Instructions for Formatting the Security Holdings Records

Security Holdings Report Record Holdings Record			Item 1–8
Field	Column	Chars	
1	1	1	"D"
2	2–31	30	Item 1: NAME OF ISSUER (A)
3	32	1	Blank
4	33–38	6	Item 2: Title of Class (TYPE) (A)
5	39–40	2	Blank
6	41–49	9	Item 3: CUSIP issuer number (A)
7	50–51	2	Blank
8	52–59	8	Item 4: Fair market value (VALUE) (N)
9	60–61	2	Blank
10	62–69	8	Item 5: SHARES or PRINCIPAL AMOUNT (N)
11	70	1	Blank
12	71–73	3	Item 5: Indicate whether Shares "SH" or Principal amount "PRN" (A)
13	74	1	Blank
14	75–78	4	Item 5: "CALL" or "PUT", otherwise leave blank (A)
15	79	1	Blank
16	80–86	7	Item 6: Investment Discretion: "SOLE", "DEFINED", or "OTHER" (A)
17	87–90	4	Blank
18	91–104	14	Item 7: MANAGERS (A)
19	105	1	Blank
20	106–113.	8	Item 8(a): Voting Authority (shares): SOLE (N)
21	114	1	Blank
22	115–122.	8	Item 8(b) Voting Authority (shares): SHARED (N)
23	123	1	Blank
24	124–131.	8	Item 8(c) Voting Authority (shares): NONE (N)

Report Total Record			
Field	Column	Chars	
1	1	1	"S"
2	2–13	12	"Report Total"
3	14–51	38	Blank
4	52–59	8	Total market value in thousand of dollars (N)

Title records identifying the field used in the holdings records should not be included in the filing, but will be inserted at the beginning of the holdings data during Edgar receipt processing. Holdings records will be repeated as necessary. Only one report total record is required; it is to be placed after the final holding record.

A Tape Marker is to be placed after the report total record.

A manually signed printed version of the cover page, in the following form, must be submitted under Form ET accompanying the magnetic filing. See Appendix A–1 for a sample of Form ET.

Name of Institutional Investment Manager:

Report for the Calendar Year or Quarter Ended:

If amended report check here:

INFORMATION REQUIRED OF INSTITUTIONAL INVESTMENT MANAGERS PURSUANT TO SECTION 13(f) OF THE SECURITIES EXCHANGE ACT OF 1934, AND RULES THEREUNDER

Securities and Exchange Commission
Washington, D.C. 20549.

Business Address: (Street, City, State and Zip Code)

Name, Phone No. and Title of Person Authorized to Submit This Report:

ATTENTION—Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).

The institutional investment manager submitting this Form and its attachments and the person by whom it is signed represent hereby that all information contained therein is true, correct and complete. It is understood that all required items, statements and schedules are considered integral parts of this Form and that the submission of any amendment represents that all unamended items, statements and schedules remain true, correct and complete as previously submitted.

Pursuant to the requirements of Securities Exchange Act of 1934, the undersigned institutional investment manager has caused this report to be signed on its behalf in the City of _____ and State of _____ on the ____ day of _____, '19 .

(Name of Institutional Investment Manager)

(Manual Signature of Person Duly Authorized to Submit This Report)

Name and 13F File Numbers of ALL Institutional Investment Managers with respect to which this schedule is filed (other than the one filing this report): (List in alphabetical order).

Name	13F File Number
A	
B	
C	
D	
E	

BILLING CODE 8010-10-M

FORM 13F-E

SAMPLE FILING

Note: Column numbers are included only for illustration in the sample, and should not be included in the filing. The sample filing includes only the data to be included in the filing on magnetic tape. The phone number of the filer's contact person has been omitted from the sample, but would ordinarily be included in the submission header record beginning in column 84. A manually signed signature (cover) page of the Form must be submitted under Form ET at the time the tape is submitted for filing.

```
        1         2         3         4         5         6         7
12345678901234567890123456789012345678901234567890123456789012345678901234567890123456789012345678

H253964 133455 13F-E   09/30/85 XYZ MANAGEMENT & RESEARCH CORP JOHN DOE
RXYZ MANAGEMENT & RESEARCH CORP                          28-123  09/30/85
           INFORMATION REQUIRED OF INSTITUTIONAL INVESTMENT MANAGERS
                 PURSUANT TO SECTION 13(f) OF THE SECURITIES
                  EXCHANGE ACT OF 1934 AND RULES THEREUNDER
                     Securities and Exchange Commission
                           Washington, D.C. 20549
Business Address:
1700 Maryland Ave. N.W., Arlington, Virginia 20594
Name, Title and Phone number of Person Duly Authorized to Submit this Report
John Levin III, Vice President--Legal
(202) 272-1234

    ATTENTION --Intentional misstatements or omissions of facts constitute
Federal Criminal Violations.  See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).

    The institutional investment manager submitting this Form and its
attachments and the person by whom it is signed represent hereby that all
information contained therein is true, correct and complete.  It is under-
stood that all required items, statements and schedules are considered
integral parts of this Form and that the submission of any amendment
represents that all unamended items, statements and schedules remain true,
correct and complete as previously submitted.

NAME AND 13F FILE NUMBERS OF ALL INSTITUTIONAL INVESTMENT MANAGERS WITH
RESPECT TO WHICH THIS SCHEDULE IS FILED (OTHER THAN THE ONE FILING THIS
REPORT).
     NAME                                                13F FILE NUMBER
MA   APPLE MANAGEMENT & RESEARCH CORP                    28-134
MB   AUGUST INVESTMENT SERVICES
MC   JOHN EDWARDS MANAGEMENT SERVICES                    28-456
MD   FRANKLIN MANAGEMENT CORP
ME   GOODWIN MANAGEMENT & RESEARCH CORP                  28-167

        1         2         3         4         5         6         7
12345678901234567890123456789012345678901234567890123456789012345678901234567890123456789012345678
```

DAFG CONV 8.375% 4/1/6	OTHER	001054AB1	3054	3116000	PRN	DEFINED	AB				3116000
DAFG CONV 8.375% 4/1/6	OTHER	001054AB1	809	826000	PRN	DEFINED	C				826000
DAIR FLA SYS INC	COM	00911410	138	69000	SH	DEFINED	A		69000		
DAIR FLA SYS INC	COM	00911410	50	25000	SH	SOLE			25000		
DALUMINUM CO OF AMERICA	COM	022249106	983	29800	SH	DEFINED	AE				29800
DCOMDATA NETWORK INC.	COM	200324101	139	12500	SH	DEFINED	AD				12500
DCOMDATA NETWORK INC.	COM	200324101	445	40000	SH	DEFINED	C		40000		
DCOMERICA CORP (ADJ PFD)	PFD	200340107	3583	65000	SH	DEFINED	A				65000
DCOMERICA CORP (ADJ PFD)	PFD	200340107	2205	40000	SH	DEFINED	AB				40000
DCOMPUTER SCIENCES CORP	COM	205363104	998	4000	SH	DEFINED	E		4000		
DGENERAL MOTORS	COM	370442105	718	10713	SH	DEFINED	AC		10713		
DGENERAL MOTORS	COM	370442105	34478	514600	SH	DEFINED	C		514600		
DNUMERICA FINCL CORP (RIGHTS)	COM	NUME33287	5	1	SH	DEFINED	C		1		
DRELIANCE GROUP (SER A 15.00)	PFD	RELI88095	311	3000	SH	DEFINED	C				3000
DWESTERN AIR (PFD $2.00 SER A)	PFD-CV	975862090	294	14000	SH	DEFINED	AE				14000
DWESTERN AIR (PFD $2.00 SER A)	PFD-CV	975862090	195	9300	SH	DEFINED	A				9300
SREPORT TOTAL			48405								

(Tape Marker)

BILLING CODE 8010-01-C

Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that proposed temporary Rule 13f-2 and proposed temporary Form 13F-E under the Securities Exchange Act of 1934 [15 U.S.C. 78a-78jj], set forth in securities Exchange Act Release No. 23694, if promulgated, will not have a significant economic impact on a substantial number of small entities. The reason for this certification is as follows: The Edgar Pilot Project is designed to develop and test, using actual filings, an electronic disclosure system. The temporary rules and forms would adapt the current procedural rules for filing to accommodate electronic filings by institutional investment managers ("Managers"). These filings will be made by Managers who elect to participate in the Pilot by filing Form 13F reports electronically. Participating filers will be those that have (or are willing to purchase) the computer facilities necessary to make filings electronically. Since participating in the Pilot is voluntary, small companies may avoid possible burdens of the rule by continuing to file Form 13F reports on paper.

Dated: October 8, 1986.

John S.R. Shad,

Chairman.

[FR Doc. 23487 Filed 10-20-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

29 CFR Part 530

Employment of Homeworkers in Certain Industries; Extension of Comment Period

Correction

In FR Doc. 86-23574 appearing on page 37045 in the issue of Friday, October 17, 1986, make the following correction:

In the second column, in the **DATE** caption, the deadline for comments should have read "December 4, 1986".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

Permanent State Regulatory Program of Indiana

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Proposed rule.

SUMMARY: OSMRE is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of a proposed program amendment to the Indiana Permanent Regulatory Program (hereinafter referred to as the Indiana program) received by OSMRE pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The proposed amendment submitted by the State on September 24, 1986, would amend the Indiana regulations concerning stabilization of surface areas (rills and gullies).

This document sets forth the times and locations that the Indiana program and proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment and information pertinent to the public hearing.

DATE: Written comments relating to Indiana's proposed modification of its program not received on or before 4:00 p.m. November 20, 1986 will not necessarily be considered.

If requested, a public hearing will be held on November 17, 1986, beginning at 10:00 a.m. at the location shcwn below under "**ADDRESSES.**"

ADDRESSES: Written ccmments should be mailed or hand-delivered to: Mr. Richard D. Rieke, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204; Telephone: (317) 296-2600.

If a public hearing is held, its location will be at: OSMRE Indianapolis Field Office, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana; Telephone: (317) 269-2600.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. Rieke, Director, Indianapolis Field Office, Office of Surface Mining Reclamatien and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 45204; Telephone: (317) 296-2600.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Indiana program, the proposed amendment, and a listing of any scheduled public meeting and all written comments received in response to this notice will be available for review at the OSMRE offices and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays. Each requester may receive free of charge, one single copy of the proposed amendment by contacting the Indianapolis Field Office listed below.

Office of Surface Mining Reclamation and Enforcement, Room 5315A, 1100 L Street NW, Washington, DC 20240

Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana

Indianapolis Department of Natural Resources, 608 State Office Building, Indianapolis, Indiana 46204.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanation in support of the commenter's recommendations. Comments not received by November 20, 1986, or received at locations other than the OSMRE Indianapolis Field Office, will not necessarily be considered.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under "**FOR FURTHER INFORMATION CONTACT**" by the close of business November 10, 1986. If no one requests to comment at the public hearing, the hearing will not be held.

If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSMRE officials to prepare appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to

do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons in the audience who wish to comment have been heard.

Public Meeting

Persons wishing to meet with OSMRE representatives to discuss the proposed amendment may request a meeting at the OSMRE office listed in **"ADDRESSES"** by contacting the person listed under **"FOR FURTHER INFORMATION CONTACT."**

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

II. Discussion of the Proposed Amendment

Information regarding the general background on the Indiana State Program, including the Secretary's Findings, the disposition of comments and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 16, 1982 **Federal Register** (47 FR 32071–32108).

On September 24, 1986, the Indiana Department of Natural Resources submitted to OSMRE pursuant to 30 CFR 732.17, a proposed State program amendment for approval. The amendment would modify regulations at 310 IAC 12–5–56.1 and 12–5–121.1 concerning the stabilization of surface areas, and in particular the repair of rills and gullies. The amendment is intended to address, in part, the requirement for a program amendment found at 30 CFR 914.16(d).

Pursuant to 30 CFR 732.15 and 732.17, the Director requests public comment on the adequacy of the above modifications. If the Director determines that the proposed modifications are in accordance with SMCRA and consistent with the Federal regulation, the amendment will be incorporated as part of the approved Indiana program.

Procedural Matters

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 60 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 914

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: October 14, 1986.

James W. Workman,

Deputy Director, Operations and Technical Services.

[FR Doc. 86–23725 Filed 10–20–86; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-3097-9]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposal To Deny Petitions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comment.

SUMMARY: The Environmental Protection Agency (EPA) today is proposing to deny the petitions submitted by five petitioners to exclude their wastes from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32. All of these petitioners presently have temporary exclusions which the Agency is also proposing to revoke. This action responds to delisting petitions submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of Parts 260 through 265, 124, 270, and 271 of Title 40 of the Code of Federal Regulations, and 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific basis" from the hazardous waste lists. The effect of this action, if promulgated, would be to deny the exclusion of certain wastes generated at particular facilities from listing as hazardous wastes under 40 CFR Part 261; thus, all the petitioned wastes would be considered hazardous.

The Agency had previously evaluated all of the petitions which are discussed in today's notice. Based upon our review at that time, all five petitioners were granted temporary exclusions. Due to changes to the delisting criteria required by the Hazardous and Solid Waste Amendments of 1984, however, these petitions have been evaluated for the factors for which the wastes were originally listed, as well as other factors and toxicants which reasonably could cause the wastes to be hazardous. Based upon these evaluations, the Agency has determined that the petitioning facilities have not substantiated their claims that the wastes are non-hazardous. The Agency, therefore, is proposing to deny the exclusions of wastes from all five petitioning facilities.

DATES: EPA will accept public comments on the proposed decision to deny these petitions until October 28, 1986. Any person may request a hearing on these proposed denials by filing a request with Bruce Weddle, whose address appears below, by October 28, 1986. The request must contain the information prescribed in 40 CFR 260.20(d).

ADDRESSES: Send three copies of your comments to EPA. Two copies should be sent to the Docket Clerk, Office of Solid Waste (WH–562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. A third copy should be sent to Jim Kent, Variances Section, Assistance Branch, PSP/OSW (WH–563), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Identify your comments at the top with this regulatory docket number: "F–86–CCDP–FFFFF".

Requests for a hearing should be addressed to Bruce Weddle Director, Permits and State Programs Division, Office of Solid Waste (WH–563), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

The RCRA regulatory docket for these proposed denials is located at U.S. Environmental Protection Agency, 401 M Street, SW. (sub-basement), Washington, DC 20460, and is available for viewing from 9:30 a.m. to 3:30 p.m., Monday through Friday, excluding Federal holidays. Call Mia Zmud at (202)

475–9327 or Kate Blow (202) 382–4675 for appointments. The public may copy a maximum of 50 pages of material from any one regulatory docket at no cost. Additional copies cost $.20 per page.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424–9346, or at (202) 382–3000. For technical information, contact Lori DeRose, Office of Solid Waste (WH–562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382–5096.

SUPPLEMENTARY INFORMATION:

Background

On January 16, 1981, as part of its final and interim final regulations implementing section 3001 of RCRA, EPA published an amended list of hazardous wastes from non-specific and specific sources. This list has been amended several times, and is published in 40 CFR 261.31 and 261.32. These wastes are listed as hazardous because they typically and frequently exhibit any of the characteristics of hazardous wastes identified in Subpart C of Part 261 (*i.e.*, ignitability, corrosivity, reactivity, and extraction procedure [EP] toxicity) or meet the criteria for listing contained in 40 CFR 261.11 (a)(2) or (a)(3).

Individual waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a waste that is described in these regulations generally is hazardous, a specific waste from an individual facility meeting the listing description may not be. For this reason, 40 CFR 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste.

To be excluded, petitioners must show that a waste generated at their facility does not meet any of the criteria for which the waste was listed. (See 40 CFR 260.22(a) and the background documents for the listed wastes.) In addition, the Hazardous and Solid Waste Amendments of 1984 (HSWA) require the Agency to consider factors (including additional constituents) other than those for which the waste was listed, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. Accordingly, a petitioner also must demonstrate that his waste does not exhibit any of the hazardous waste characteristics, as well as present sufficient information for the Agency to determine whether the waste contains any other toxicants at hazardous levels. (See 40 CFR 260.22(a); section 222 of the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. 6921(f); and the background documents for the listed wastes.)

In addition to wastes listed as hazardous in 40 CFR 261.31 and 261.32, residues from the treatment, storage, or disposal of listed hazardous wastes also are eligible for exclusion and remain hazardous wastes until excluded. (See 40 CFR 261.3 (c) and (d)(2).) Again, the substantive standard for "delisting" is: (1) That the waste not meet any of the criteria for which it was listed originally; and (2) that the waste is not hazardous after considering factors (including additional constituents) other than those for which the waste was listed, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. Where the waste is derived from one or more listed hazardous wastes, the demonstration may be made with respect to each constituent or the waste mixture as a whole. (See 40 CFR 260.22(b).)

Approach Used To Evalute Delisting Petitions

The Agency first will evaluate the petition to determine whether the waste (for which the petition was submitted) is non-hazardous based on the factors for which the waste was originally listed. If the Agency believes that the waste is still hazardous (based on the original factors), it will propose to deny the petition. If, however, the Agency agrees with the petitioner that the waste is non-hazardous with respect to the criteria for which the waste was listed, it then will evaluate the waste with respect to other factors or criteria, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous.

The Agency is using a hierarchical approach in evaluating petitions for the other factors or contaminants (*i.e.*, those listed in Appendix VIII of Part 261). This approach may, in some cases, eliminate the need for additional testing. The petitioner can choose to submit a raw materials list and process descriptions. The Agency will evaluate this information to determine whether any Appendix VIII hazardous constituents are used or formed in the manufacturing and treatment process and are likely to be present in the waste at significant levels. If so, the Agency then will request that the petitioner perform additional analytical testing. If the petitioner disagrees, he may present arguments on why the toxicants would not be present in the waste, or, if present, why they would pose no toxicological hazard. The reasoning may include descriptions of closed or segregated systems, or mass balance arguments relating volumes of raw materials used to the rate of waste generation. If the Agency finds that the arguments presented by the petitioner are not sufficient to eliminate the reasonable likelihood of the toxicant's presence in the waste at levels of regulatory concern, the petition would be tentatively denied on the basis of insufficient information. The petitioner then may choose to submit the additional analytical data on representative samples of the waste during the public comment period.

Rather than submitting a raw materials list, petitioners may test their waste for any additional toxic constituents that may be present and submit this data to the Agency. In this case, the petitioner should submit an explanation of why any constituents from Appendix VIII of Part 261, for which no testing was done, would not be present in the waste or, if present, why they would not pose a toxicological hazard.

In making a delisting determination, the Agency evaluates each petitioned waste against the listing criteria and factors cited in 40 CFR 261.11 (a)(2) and (a)(3). Specifically, the Agency considers whether the waste is acutely toxic, as well as the toxicity of the constituents, the concentration of the constituents in the waste, their tendency to migrate and bioaccumulate, their persistence in the environment once released from the waste, plausible types of management of the waste, and the quantities of the waste generated. In this regard, the Agency has developed an analytical approach to the evaluation of wastes that are landfilled and land treated. See 50 FR 7882 (February 26, 1985), 50 FR 48886 (November 27, 1985), and 50 FR 48943 (November 27, 1985). The overall approach, which includes a groundwater transport model, is used to predict reasonable worst-case contaminant levels in ground water in nearby receptor wells (*i.e.*, the model estimates the ability of an aquifer to dilute the toxicants from a specific volume of waste). The land treatment model also has an air component and predicts the concentration of specific toxicants at some distance downwind of the facility. The compliance point concentration determined by the model then is compared directly to a level of regulatory concern. If the value at the compliance point predicted by the model is less than the level of regulatory concern, then the waste could be considered non-hazardous and a candidate for delisting. If the value at the compliance point is above this level,

however, then the waste probably still will be considered hazardous, and not excluded from Subtitle C control.[1]

This approach evaluates the petitioned wastes by assuming reasonable worst-case land disposal scenarios. This approach has resulted in the development of a sliding regulatory scale which suggests that a large volume of waste exhibiting a particular extract level would be considered hazardous, while a smaller volume of the same waste could be considered non-hazardous.[2] The Agency believes this to be a reasonable outcome since a larger quantity of the waste (and the toxicants in the waste) might not be diluted sufficiently to result in compliance point concentrations that are less than the level of regulatory concern. The selected approach predicts that the larger the waste volume, the higher the level of toxicants at the compliance point. For example, for wastes that are managed in landfills the mathematical relationship (with respect to ground water) yields at least a six-fold dilution of the toxicant concentration initially entering the aquifer (*i.e.*, any waste exhibiting extract concentrations equal to or less than six times a level of regulatory concern will generate a toxicant concentration at the compliance point equal to or less than same level). Depending on the volume of waste, an additional five-fold dilution may be imparted, resulting in a total dilution of up to thirty-two times.

The Agency is using this approach as one factor in determining the potential impact of the unregulated disposal of petitioned waste on human health and the environment. In fact, the Agency has used this approach in evaluating each of the petitioned wastes discussed in today's publication. As a result of this evaluation, the Agency is proposing to deny the petitions discussed in this notice.

It should be noted that the Hazardous and Solid Waste Amendments of 1984 require the Agency to provide notice and an opportunity for public comment before a final rule is made to grant or deny an exclusion. All of the denials proposed today will not become effective unless and until they are made final. A notice of final denial will not be published until all public comments (including those at requested hearings, if any) are addressed.

Petitioners

The Agency proposes to deny the following exclusion requests:

Cerro Conduit Company, Syosset, New York;
General Motors Corp., Delco Products Div., Kettering, Ohio;
John Deere Dubuque Works, Dubuque, Iowa;
LTV Steel Company, East Chicago, Indiana;
United Chair, Inc., Irondale, Alabama.

I. Cerro Conduit Company

A. Petition for Exclusion

Cerro Conduit Company (Cerro), formerly Cerro Wire and Cable Corporation, located in Syosset, New York, manufactures steel electrical conduits, hot rolled copper rod, and steel strip. Cerro has petitioned the Agency to exclude its wastewater treatment sludge, presently listed as EPA Hazardous Waste F006—Wastewater treatment sludges from electroplating operations, except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Cerro claims that this waste should be excluded because it does not meet the criteria for which it was listed.

Based upon the Agency's review of the petition, Cerro was granted a temporary exclusion in March of 1981 (see 46 FR 17201). The Agency's basis for granting the temporary exclusion at that time was the low migration potential of the constituents of concern, namely cadmium, chromium, cyanide (complexed), and nickel. The Agency added a condition to Cerro's temporary exclusion in December of 1981 (see 46 FR 61287).

Since that time, the Hazardous and Solid Waste Amendments of 1984 were enacted. In part, the Amendments require the Agency to consider factors (including additional constitutents) other than those for which the waste was listed, if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) The Agency, therefore, has re-evaluated Cerro's petition to: (1) Determine whether the temporary exclusion should be made final based on the original listing criteria; and (2) evaluate the waste for factors (other than those for which the waste was listed) to determine whether the waste is non-hazardous. This notice presents the results of the Agency's re-evaluation of this petition.

Cerro has submitted a detailed description of its manufacturing and treatment processes, including schematic diagrams; results from total constituent and EP toxicity analyses of the waste for all the EP toxic metals, cyanide and nickel; total constituent analyses for photodegradable cyanide [3] and cyanide amenable to chlorination; total constituent analyses for chloroform; total oil and grease content of the waste; and ignitability, corrosivity, and reactivity data. Cerro also submitted a list of raw materials and feed stocks (and material safety data sheets for all trade name materials) used in the manufacturing processes. The Agency requested much of this information, as noted above, to determine whether constituents other than those for which the waste was listed are present in the waste at levels of regulatory concern.

Cerro manufactures steel electrical conduits, hot rolled copper rods and steel strip for use by the construction industry. The steel electrical conduits and steel strips are fabricated from unfinished low carbon steel coils. Cerro's processes involve caustic cleaning, acid pickling, acid zinc/cyanide zinc electroplating, and rinsing. The wastewater is treated with caustics and chlorine in a treatment tank to destroy the cyanide. The wastewater then flows to a second treatment tank where lime and polyelectrolyte polymers are added. After mixing, the treated wastewater flows to one of two clarifiers for the precipitation of a metal hydroxide sludge. This sludge is then dewatered with a rotary vacuum filter press and then disposed at an off-site landfill, while the supernatant is discharged to a publicly owned treatment works.

A total of 34 filter cake samples were taken between February 29, 1980 and April 22, 1986.[4] Five samples were authoritative grab samples taken from the dump truck containing Cerro's waste at the landfill site by the landfill operators, and 29 composite samples

[1] The Agency proposed a similar approach, including a ground water transport model, as part of the proposed toxicity characteristic (see 51 FR 21648, June 13, 1986). The Agency has not completed its evaluation of the comments on this proposal, however. If a regulation is promulgated, using the ground water transport model, the Agency will consider revising the delisting analysis.

[2] Other factors may result in the denial of a petition, such as actual ground water monitoring data or spot check verification data.

[3] The Agency has eliminated the use of the photodegradable cyanide test; therefore, we have not used any of the photodegradable cyanide test data submitted by Cerro in our analysis.

[4] Cerro's initial demonstration was based on 13 samples. A total of 22 samples (of the 34) were tested for leachable cyanide.

were taken from the filter press by compositing grab samples taken every hour during filter press operation.

Cerro claims that the 34 samples taken over the six-year time period are representative of variations in constituent concentrations that occur in the waste since the manufacturing process and raw materials did not vary over time, and that the duration of the sampling period was long enough to have detected any seasonal variations in constituent concentrations.[5] Total constituent and EP toxicity analyses for the listed constituents of concern revealed the maximum concentrations reported in Table 1. Total constituent and EP toxicity analyses for the non-listed constituents of concern revealed the maximum concentrations reported in Table 2.

TABLE 1.—MAXIMUM CONCENTRATIONS—FILTER CAKE

Constituents	Total constituent analyses (mg/kg)	EP leachate analyses (mg/l)
Cadmium	<0.35	0.017
Chromium	307.0	.06
Nickel	13.66	.148
Cyanide (total)	821.69	2.42
Cyanide (amenable)	5.28	2.03

TABLE 2.—MAXIMUM CONCENTRATIONS—FILTER CAKE

Constituents	Total constituent analyses (mg/kg)	EP leachate analyses (mg/l)
Arsenic	1.92	0.026
Barium	23.53	<0.25
Lead	1904.3	.42
Mercury	.23	.047
Selenium	<5.0	.023
Silver	<0.5	.022

The maximum total oil and grease content of Cerro's waste was 0.16 percent. Cerro also submitted a list of raw materials, as mentioned earlier, to assist the Agency in identifying any other Appendix VIII hazardous constituents. This list indicated that hydrazine may enter the waste treatment system. The Agency therefore requested that Cerro provide total constituent analyses for hydrazine. Instead of performing total constituent analyses for hydrazine, Cerro provided a mass-balance equation which calculated a maximum possible total constituent concentration of 0.125 ppm for hydrazine in the sludge. The list of raw materials indicated that no other Appendix VIII hazardous constituents (including chloroform), other than those discussed above, are used in their process and that the formation of any other Appendix VIII hazardous constituents is highly unlikely.

Cerro also submitted analytical results of ground-water samples collected from monitoring wells at their on-site inactive landfill. Chloroform was detected at 3 ppb and 6 ppb on November 6, 1984 and December 18, 1984, respectively, in the downgradient monitoring well, and no chloroform was detected in the upgradient monitoring well. To attempt to prove that the chloroform contamination did not originate from Cerro's waste, the Agency asked Cerro to provide total constituent analyses of their waste for chloroform. Four composite samples, consisting of hourly grab samples, were collected from the filter press on April 17, 18, 21, and 23, 1986. The results of the analysis are presented in Table 3.

Cerro claims that the treated waste is not ignitable, corrosive, or reactive. Cerro generates a maximum of 3,000 tons of sludge per year.

TABLE 3.—MAXIMUM TOTAL CONSTITUENT CONCENTRATIONS (ppm)

Date	Chloroform split 1	Chloroform split 2
April 17	<1.0	<1.0
April 18	1.0	<1.0
April 21	<1.0	<1.0
April 22	<1.0	<1.0

B. Agency Analysis and Action

Cerro has not demonstrated to the Agency that its waste treatment system generates a non-hazardous sludge. Specifically, the data provided by Cerro indicate that the sludge contains significant concentrations of EP toxic cyanide and chloroform. The Agency, therefore, is proposing to deny Cerro's petition on these bases.

The Agency believes that the 34 samples collected from the filter press, dump truck, and landfill were non-biased and more than adequately represent any variations which may occur in the waste stream petitioned for exclusion. The Agency believes Cerro's claim that the manufacturing and treatment processes are proportionately uniform, and that the waste composition and constituent concentrations do not vary significantly over time. The Agency has evaluated the mobility of the constituents from Cerro's waste using a vertical and horizontal spread (VHS) model.[6] The Agency's evaluation of Cerro's 3,000 tons of filter press cake and the maximum EP extract levels for the listed constituents of concern in Cerro's waste using the VHS model has generated the compliance point concentrations shown in Table 4. (Maximum EP leachate values are used in the evaluation because Cerro did not submit data on enough samples to permit any other statistically defensible value to be used to evaluate the waste.)

TABLE 4.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (mg/l)

Constituents	Compliance point concentrations	Regulatory standards
Cadmium	0.002	0.01
Chromium	.008	.05
Nickel	.02	.35
Cyanide (total)	.338	.2

The filter cake exhibited cadmium and chromium levels (at the compliance point) below the National Primary Interim Drinking Water Standards, and a nickel concentration below the Agency's interim health-based standard.[7] Leachable cyanide levels exceed the U.S. Public Health Service's suggested Drinking Water Standard of 0.2 mg/l.[8] The Agency notes that 3 out of 22 samples tested for cyanide generated compliance point concentrations that exceeded the allowable level for this constituent, and that none of these samples could be considered statistical outliers.

The Agency has also evaluated the mobility of the non-listed EP toxic metals in Cerro's filter cake using the VHS model. The model generated compliance point concentrations for each of these metals as shown in Table 5.

TABLE 5.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (MG/L)

Constituents	Compliance point concentrations	Regulatory standards
Arsenic	0.003	0.05
Barium	.03	1.0
Lead	[1] .017	.05
Mercury	[2] .001	.002

[5] Cerro claims that, although sales of their products are seasonal, production remains proportionately the same throughout the year, and that while the rate of production and waste generation varies, the content of the sludge is uniform.

[6] See 50 FR 7882, Appendix I, February 22, 1985, for a detailed explanation of the development of the VHS model for use in the delisting program. See also the final version of the VHS model, 50 FR 48896, Appendix, November 27, 1985.

[7] See 50 FR 20247 (May 15, 1985) for a complete description of the development of the Agency's interim standard for nickel. To date, the Agency has collected enough statistically defensible data from its ongoing nickel toxicity study to indicate that the interim standard of 350 ppb will decrease.

[8] Drinking Water Standards, U.S. Public Health Service, Publication No. 956, 1962 (0.2 ppm)

TABLE 5.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (MG/L)—Continued

Constituents	Compliance point concentrations	Regulatory standards
Selenium	.001	.01
Silver	.003	.05

[1] The maximum EP concentration of lead, reported as 0.42 mg/l, is considered to be a statistical outlier through the use of the Dixon Extreme Value Test, and was not used by the Agency in the VHS model analysis.
[2] The maximum EP concentrations of mercury, reported as 0.047 mg/l and 0.016, are considered to be statistical outliers through the use of the Dixon Extreme Value Test, and were not used in the VHS model analysis.

Examination of Cerro's raw materials and material safety data sheets indicated that Cerro uses hydrazine. Cerro claims that chloroform is not used in their process. Cerro's raw materials list and process descriptions indicate that no other Appendix VIII hazardous constituents are expected to be present or formed in their process.

Of the eight samples (four samples and four splits) analyzed for chloroform, only one showed a detectable chloroform concentration of 1 ppm. No detectable concentrations of chloroform were measured in the remaining seven samples at a reported detection limit of 1 ppm. Normally the Agency would consider a detection limit for chloroform of 1 ppm for this matrix satisfactory for determining that it is not present in the waste. Due to the detection of chloroform in one sample at 1 ppm, however, the Agency has suggested to Cerro that they provide additional data using a lower detection limit in order to prove that the one sample containing chloroform was an outlier based on approved statistical methods. To date, the Agency has not received any additional data.

The Agency calculated the mobile portion of the maximum total chloroform and hydrazine content of the filter cake using a general linear model based on solubility.[9] These leachate levels were then analyzed using the VHS model. The model generated the compliance point concentrations presented in Table 6.

TABLE 6.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS FILTER PRESS SLUDGE (PPM) [1]

Constituents	Base-line concentrations	95 percent confidence concentrations	Regulatory [2] standards
Hydrazine [3]	0.0096	0.0132	3×10^{-6}
Chloroform	.0085	.0115	0.0005

[1] The proposed OLM presented two equations, the best fit and the 95% confidence interval applied to the best fit. Both versions are presented here. Once the OLM is made final, only one version of the equation will apply.
[2] A derivation of these regulatory standards are available in the RCRA public docket.
[3] Calculated using a solubility of 500,000 mg/l.

[9] For a discussion of the Agency's proposed organic leachate model (OLM) see 50 FR 48957, November 27, 1985. See 51 FR 27061, Notice of Data Availability for the revised OLM.

The calculated compliance point concentration of 0.0245 ppm (generated from the one detected value) of chloroform significantly exceeds the regulatory standard of 0.0005 mg/l in drinking water. Similarly the compliance point concentration for hydrazine exceeds the regulatory standard, however, the Agency does not consider this a problem since hydrazine is very reactive in water, and would immediately oxidize to form nitrogen and water.

The Agency is also concerned with the data showing indications of ground-water contamination. The Agency, however, does not have sufficient data to statistically demonstrate ground-water contamination at this time. Although not a basis for denial, the Agency has reason to believe that chloroform may have migrated from the sludge once contained in Cerro's on-site landfill into the environment and contaminated the ground water at levels of regulatory concern.[10]

Chloroform was found in Cerro's downgradient monitoring wells in concentrations exceeding the level of regulatory concern. While there is insufficient data to positively conclude that the ground water has been contaminated, the Agency believes there is suggestive evidence of this fact and that the chloroform originated from the filter cake once disposed at Cerro's on-site landfill.[11, 12]

The Agency believes that Cerro's waste presents a substantial hazard to human health and the environment. The VHS analysis indicates that Cerro's filter cake is of regulatory concern for cyanide and chloroform. In addition, there is evidence which suggests ground-water contamination. The Agency believes that the waste should therefore be considered hazardous, and again subject to regulation under 40 CFR Parts 262 through 265. The Agency, therefore, proposes to deny Cerro's application for final exclusion and hereby proposes to revoke Cerro's temporary exclusion.

[10] 73,000 cubic yards of waste were removed from Cerro's site for additional facility space.
[11] In accordance with 40 CFR 264.97 (g)–(i), background ground-water quality must be based on data from quarterly sampling of wells upgradient from the facility for one year. Once the background concentration is established, Cerro must compare the downgradient concentration with the background concentration to determine the coefficient of variation between the two samples. If the coefficient of variation is less than 1.00, Cerro must then determine whether the difference between the downgradient mean concentration and upgradient mean concentration is significant at the 95 percent confidence interval using Cochran's Approximation to the Behrens-Fisher Student's t-test (see 40 CFR Part 264, Appendix IV). The Agency notes that it has not received enough data to perform the above analysis.
[12] The Agency notes that Cerro has not submitted any additional information which would statistically refute this ground-water contamination, and the Agency is uncertain that additional data could be collected since the material is no longer on-site.

II. General Motors Corporation, Delco Products Division

A. Petition for Exclusion

General Motors Corporation, Delco Products Division (Delco) located in Kettering, Ohio manufactures industrial electric motors, automotive shock absorbers, other automotive energy absorbing devices, and miscellaneous automotive component parts. Delco has petitioned the Agency to exclude its treated sludge, presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum, and EPA Hazardous Waste No. F012—Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process. The listed constituents of concern for EPA Hazardous Waste No. F006 are cadmium, hexavalent chromium, nickel, and cyanide (complexed). The listed constituent of concern for EPA Hazardous Waste No. F012 is cyanide (complexed). Delco claims that its wastewater treatment process generates a non-hazardous sludge, because neither cadmium, chromium, nor nickel are processed as a base metal through the metal preparation and electroplating processes, and that EP toxicity concentrations for the constituents show that the leachate values are within allowable limits.

Based on the Agency's initial review of their petition, Delco was issued a temporary exclusion on December 23, 1981. Delco amended their petition to include EPA Hazardous Waste No. F012 on January 21, 1982. As required under the Hazardous and Solid Waste Amendments of 1984 (HSWA), the Agency requested additional information for its evaluation for final

exclusion of Delco's wastes. Today's notice is the result of this evaluation.

Delco has submitted a detailed description of its electroplating and wastewater treatment processes, including: schematic diagrams; total constituent analysis results for arsenic, barium, cadmium, chromium, lead, mercury, nickel, selenium, and silver; results from analyses for total, free, and reactive cyanide; and results from total oil and grease analyses on representative waste samples. In addition, Delco submitted Oily Waste Extraction Procedure (OWEP) test results for arsenic, barium, cadmium, chromium, lead, nickel, and silver.[13] Waste samples were also evaluated for ignitability, reactivity, and corrosivity. Delco also analyzed representative waste samples for a number of solvents typically associated with paints and waste water from painting operations. Delco submitted a list of raw materials used in the manufacturing process, and analyzed the waste for Appendix VIII hazardous constituents present in the raw materials. The Agency requested much of this information, as indicated above, to determine if hazardous constituents, other than those for which the waste was listed, are present in the sludge at levels of regulatory concern.

Delco's manufacturing process includes chromium etching and plating of industrial electric motors, automotive shock absorbers, other automotive energy absorbing devices, and miscellaneous automotive component parts. Process wastewaters from these manufacturing operations are sent to the plant's on-site pretreatment facility. These wastewaters are segregated prior to neutralization, chromium reduction, and destruction of cyanide. All wastes are transferred to a blend tank after treatment. Here the waste undergoes final pH adjustment, defoaming agent addition, and coagulant aid addition. This stream overflows into a clarifier. The supernatant is discharged to a wastewater treatment plant and the precipitated solids are pumped to a sludge thickener where it is combined with the grit separator sludge. The sludge is passed through a grinder and pumped through a filter press. The resulting sludge cake averages 37 percent solids by weight. Delco generates a maximum volume of 7,200 cubic yards of sludge cake per year.

Representative waste samples were obtained by compositing grab samples from the sludge lugger during two time intervals. Four samples were obtained over a 5-week period in 1981 and 12 samples were obtained over a 5-month period in 1985. Each sample represented approximately one week's production. Delco claims that the samples are representative of the listed and non-listed constituent concentrations in the waste because they were collected over a period of time which would account for variations in waste content due to minor changes in production or treatment operations on a day-to-day basis.

The total constituent analyses of the sludge samples for the listed and non-listed constituents revealed the maximum concentrations reported in Table 1.

TABLE 1.—MAXIMUM CONCENTRATIONS

Constituents	Total constituent analyses (mg/kg)
As	2.5
Ba	358.0
Cd	5.4
Cr (total)	15,000.0
Pb	419.0
Hg	.3
Ni	150.0
Se	.2
Ag	5.9
CN	33.2

The maximum oil and grease content reported was 36.2 percent. The maximum Mobile Metal Concentrations detected using the OWEP methodology are presented in Table 2.

TABLE 2.— MAXIMUM MOBILE METAL CONCENTRATIONS

Constituents	MMC (mg/l)
As	0.023
Ba	1.666
Cd	.166
Cr (total)	5.152
Pb	1.664
Hg	[1] ND
Ni	5.045
Se	[1] ND
Ag	.266
CN	[2] .056

[1] ND = Not Determined.
[2] Cyanide extract producted by EP toxicity testing.

Due to the presence of paint rinse waters in the waste stream containing the listed wastes, Delco was requested to analyze the waste for a number of organic constituents commonly found in paint wastes. The maximum concentrations of those compounds that were detected are presented in Table 3.

TABLE 3.—MAXIMUM CONCENTRATIONS

Constituents	Concentrations (ppm)
Toluene	2.2
Methylene chloride	1.3
Tetrachloroethylene	.030

B. Agency Analysis and Action

Delco has failed to demonstrate that the sludge generated at their Kettering, Ohio facility is non-hazardous. Based on the data presented in Delco's petition, the Agency believes that the petition has adequately characterized the waste sludge cake and that the samples analyzed reflect any day-to-day variations that may occur in production. The Agency believes Delco's claims that the manufacturing and treatment processes are uniform and consistent, are well substantiated since this facility does not perform as a job shop or have seasonal product variation.

The Agency has evaluated the mobility of the constituents from Delco's waste sludge cake using the vertical and horizontal spread (VHS) model.[14]

The compliance point concentrations calculated for the Mobile Metal Concentrations using the VHS model are presented in Table 4.

TABLE 4.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (ppm)

Constituents	Compliance point concentrations	Regulatory standards
As	0.004	0.05
Ba	.264	1.00
Cd	.026	.01
Cr	.816	.05
Pb	.264	.05
Hg	[1].001	.002
Ni	.799	.350
Se	[1].002	.01
Ag	.042	.05
CN	[1].0089	.20

[1] Calculated using conventional EP rather than Oily Waste EP (OWEP) data since OWEP was not run on these parameters. The Agency believes that EP data can be used as a basis for denial of an oily waste since even higher levels would be expected if the oil fraction was addressed.

The sludge exhibited cadmium, chromium, and lead levels (at the compliance point) above the respective National Interim Primary Drinking Water Standards (NIPDWS) and nickel levels above the Agency's interim standard.[15] Of the four waste samples subjected to OWEP analyses, two of the four samples generated compliance point concentrations of cadmium above the regulatory standard, and all four samples generated compliance-point concentrations for chromium, lead, and nickel above their respective regulatory

[13] The Agency has developed the Oily Waste EP to determine the migratory potential of metals from oily wastes. This leachate test is requested for all wastes which contain greater than one percent oil. (See 49 FR 42591, October 23, 1984.)

[14] See footnote 6.

[15] See footnote 7.

standards. All other EP toxic metals and cyanide were below their respective regulatory standards at the compliance point.

The organic compounds listed in Table 3 were evaluated by first estimating their leachate concentrations using the Organic Leachate Model (OLM), and then predicting their compliance-point concentrations with the VHS model.[16] This procedure resulted in the compliance-point concentrations presented in Table 5. Table 5 also presents, for each organic compound, the regulatory standard to which the predicted concentration is compared.

TABLE 5.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS [1] (ppm)

Constituents	Leachate concentrations		Compliance point concentrations		Regulatory standards [2]
	Best fit	95% C.I.	Best fit	95% C.I.	
Toluene	0.04	0.047	0.0062	0.0075	10.5
Methylene chloride	.11	.139	.0168	.022	.056
Tetrachloroethylene	.001	.0002	.0002	.0003	.00069

[1] The proposed OLM presented two equations, the best fit and the 95% confidence interval applied to the best fit. Both versions are presented here. Once the OLM is made final, only one version of the equation will apply.
[2] An explanation of the derivation of these regulatory standards is available in the public docket.

As indicated in Table 5, the calculated compliance point concentrations for toluene, methylene chloride, and tetrachloroethylene were below their respective regulatory standards. The presence of these constituents, therefore, is not of regulatory concern.

The combined factors of the potentially mobile concentrations of cadmium, chromium, lead, and nickel as evidenced by the OWEP leachate tests are considered hazardous by the Agency. The Agency concludes that Delco's waste, generated at their Kettering, Ohio facility, could present a significant hazard to human health and the environment. The Agency believes that the waste should, therefore, be considered hazardous, and again subject to regulation under 40 CFR Parts 262 through 265. The Agency, therefore, proposes to deny Delco's application for final exclusion and hereby proposes to revoke Delco's temporary exclusion.

III. John Deere Dubuque Works

A. Petition for Exclusion

John Deere Dubuque Works (John Deere), located in Dubuque, Iowa, is involved in the manufacture of construction, utility, and forestry equipment. John Deere has petitioned the Agency to exclude its treated sludge, presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. The listed constituents of concern for EPA Hazardous Waste No. F006 are cadmium, hexavalent chromium, nickel, and cyanide (complexed). John Deere has petitioned to exclude its waste because it does not meet the criteria for which it was listed.

Based upon the Agency's review of their petition, John Deere was granted a temporary exclusion on December, 1981 (see 46 FR 61272). The Agency's basis for granting the temporary exclusion (at that time) was the low migration potential of the constituents of concern, namely cadmium, hexavalent chromium, cyanide (complexed), and nickel. Since that time, the Hazardous and Solid Waste Amendments of 1984 were enacted. In part, the Amendments require the Agency to consider factors (including additional constituents) other than those for which the waste was listed, if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) The Agency, therefore, has re-evaluated John Deere's petition to: (1) Determine whether the temporary exclusion should be made final based on the factors for which the waste was originally listed; and (2) evaluate the waste for additional factors (other than those for which the waste was listed) to determine whether the waste is non-hazardous. This notice presents the results of the Agency's re-evaluation of this petition.

In support of their petition, John Deere has submitted a detailed description of their manufacturing processes and waste treatment processes, including: schematic diagrams; results from total constituent analyses and Oily Waste EP analyses for all the EP toxic metals, and nickel; and total constituent analyses and distilled water leachate test results for cyanide. John Deere has also submitted results from analyses for total oil and grease content; lists of raw materials and material safety data sheets for trade name products; and total constituent analysis data for benzene, toluene, xylene, formaldehyde, p-chloro-m-cresol, tetrachloroethylene, methylene chloride, and methanol.[17] The Agency requested much of this information, as noted above, to determine whether hazardous constituents, other than those for which the waste was originally listed, are present in the waste at levels of regulatory concern.

John Deere's electroplating operation consists of derusting, zinc electroplating, and chromium electroplating. Rust removal is accomplished by immersion of the parts into tanks containing muriatic acid solution, rinsing with water, and neutralization with a five percent solution of calcium hydroxide. Parts are then either coated with a rust inhibitor or electroplated.

In the electroplating process, the parts are electrocleaned with an alkaline solution of sodium hydroxide and rinsed with water, a solution of muriatic acid, and water again. Parts requiring a zinc coating are electroplated in a bath consisting of approximately five percent zinc (zinc anodes). The plated parts are then bathed in a chromate bath to provide a protective coating, rinsed with cold water, hot water, and then sent either to inventory or to the assembly line for use. In the chromium electroplating operation, the parts are electroplated in a bath containing a solution of chromic acid (approximately 25 percent CrO_3) and lead anodes. The plated parts are rinsed with cold water, hot water, and are then sent either to inventory or to the assembly line for use.

At the wastewater treatment facility, all wastewaters are separated into three streams: Chromium wastewater, process wastewater, and waste coolants. The chromium wastewater consists of process wastewater which is high in chromium and lead from the electroplating operations, post-plating and pickling rinses, paint strip rinses, paint booth waterwall dumps, and prepaint washer dumps. These wastewaters are combined in a 40,000 gallon equalization basin. Sodium bisulfate and sulfuric acid are added to reduce the hexavalent chromium to trivalent chromium. The wastewater is then pumped to the mixing chamber of the chromium flocculation-clarifier. Lime slurry is added here to maintain a pH of 8.5. A polymer is added to the wastewater as it enters the clarifier, the supernatant is pumped to the process clarifier, and the sludge is gravity fed to the sludge thickener tank.

[16] See footnote 9.

[17] The contaminants were identified as components of raw materials which could possibly enter the petitioned waste stream.

Waste coolants are batch treated in the 30,000 gallon coolant treatment basin. The coolant is trucked to the basin where alum and an emulsion breaker are added. The coolants and alum/emulsion breaker mixture is rapidly air mixed. After mixing, the oily supernatant is skimmed off and pumped to a holding tank and disposal off-site, and the remaining liquid is pumped to the process equalization basin.

In the process equalization basin, wastewater from the water table dump, vehicle washing booths, engine test floor drains, kolene rinse, imprex floor drain, dynomometer test cell floor drains, power house blow down and feed water backwashes, water softener backwashes, vacuum filter media wash, parts washer dumps, preplating rinses, leak test dumps, manganese phosphate treatment, power house ash system scrubber, heat treat quench water dumps, incinerator blow down, and floor drains are all combined. The wastewater is then pumped to the mixing chamber of the process flocculation-clarifier, where alum is added. The wastewater is pumped from the mixing chamber to the process clarifier, and polymer is added. The supernatant is combined with the supernatant from the chromium process clarifier, filtered, and discharged through a NPDES permitted outfall. The sludge from the bottom of the process clarifier is pumped to the gravity thickener where it is combined with the sludge from the chromium process clarifier. Every 2 to 3 days, the thickened sludge is pumped to the vacuum filter. The filtrate from the vacuum filter is routed to the process equalization basin and the filter cake falls into a hopper for landfilling.

John Deere collected four samples of the waste filter cake on September 28, 30, and October 4, and 17, 1983, and analyzed these samples for total constituent concentration. Four additional samples were collected on April 3, 11, 17, and 25, 1985. These samples were analyzed using the Oily Waste EP extraction procedure.[18] Each sample was a composite of three to four random discrete grab samples taken from the hopper. John Deere claims that the samples collected are representative of any variation of the listed and non-listed constituent concentrations in its wastestream, since each composite sample represents 1 week's generation, and is, therefore, representative of any short-term variations. In addition, since the manufacturing processes do not vary over time, significant long-term variations in waste composition are not expected to occur. Furthermore, John Deere claims that the use of raw materials does not vary over time. Consequently, they believe that the samples collected and analyzed fully characterize their waste.

The four samples collected during April of 1985 were also analyzed for total constituent concentrations of benzene, toluene, xylene, formaldehyde, p-chloro-m-cresol, tetrachloroethylene, methylene chloride, and methanol. Four additional samples were collected on January 9, 24, 29, and February 3, 1986, using the above methodology, and were analyzed for total constituent concentrations of benzene, methylene chloride, and tetrachloroethylene.

The total constituent analyses for the listed and non-listed constituents revealed the maximum concentrations reported in Table 1 and Table 2, respectively.

TABLE 1.—LISTED CONSTITUENTS OF CONCERN

Constituents	Total constituent concentrations (mg/kg)	Mobile metal concentrations (mg/l)
Cd	5.3	2.0
Cr	1,700.0	1.9
CN	<.1	[1] NA
Ni	22.0	1.7

[1] Not analyzed due to the low total constituent concentration of cyanide.

TABLE 2.—NON-LISTED CONSTITUENTS OF CONCERN

Constituents	Total constituent concentrations (mg/kg)	Mobile metal concentrations (mg/l)
As	9	3.8
Ba	37	5.8
Pb	3,800	5.9
Hg	.14	[1] NA
Ag	1.5	[1] NA
Se	2.0	2.1

[1] Not analyzed due to the low total constituent concentrations in the waste.

The Agency reviewed the list of raw materials and material safety data sheets submitted by John Deere, and identified the following Appendix VIII hazardous constituents which may be present in the waste at significant levels: benzene, toluene, xylene, formaldehyde, p-chloro-m-cresol, tetrachloroethylene, methylene chloride, and methanol.

Table 3 presents the maximum total constituent concentrations of the above organics detected in John Deere's waste.

TABLE 3.—MAXIMUM TOTAL CONSTITUENT CONCENTRATIONS FILTER PRESS SLUDGE

Constituent	Concentration (mg/kg)
Benzene	[1] <1.0
Toluene	1.9
Xylene	1.2
Formaldehyde	<.12
p-Chloro-m-cresol	21.0
Tetrachloroethylene	[1] <1.0
Methylene chloride	[1] <1.0
Methanol	20.0

[1] The Agency did not use the maximum total constituent concentrations reported for the material collected during April 1985, because John Deere re-analyzed the waste using a more sensitive analytical method as prescribed in SW-846.

The waste exhibits a maximum total oil and grease content of 17.0 percent. No other Appendix VIII hazardous constituents were identified as components of John Deere's raw materials, and it is unlikely that any other constituents are formed during the manufacturing or treatment processes. John Deere also provided test data indicating that the sludge is not ignitable, corrosive, or reactive. John Deere claims to generate a maximum of 700 tons per year of waste filter cake from this process.

B. Agency Analysis and Action

John Deere has failed to sufficiently demonstrate that the filter cake generated at their Dubuque, Iowa facility is non-hazardous. Based on the data presented in John Deere's petition, the Agency believes that the petitioner has adequately characterized the waste filter cake, and that the samples analyzed reflect the day to day variation in production. The Agency believes John Deere's claim that the manufacturing and treatment processes are uniform and consistent is well substantiated since this facility does not perform as a job shop or have seasonal product variations. The Agency, therefore, concludes that the analytical information provided by John Deere is representative of the waste filter cake.

The Agency has evaluated the mobility of the constituents from John Deere's waste filter cake using the vertical and horizontal spread (VHS) model.[19] The Agency's evaluation of John Deere's 700 tons of filter cake using the maximum Oily Waste EP extract levels (mobile metal concentrations) for the listed and non-listed inorganic constituents in the VHS model generated the compliance point concentrations in Table 4. (Where concentrations were below the detection limits, the detection limit was used in the VHS model calculations.)

[18] John Deere's initial demonstration was based on four samples analyzed using the standard EP extraction procedure; however, since the waste exhibited total oil and grease content greater than one percent, these samples were not used in the Agency's analysis.

[19] See footnote 6.

TABLE 4.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (ppm)

Constituents	Compliance point concentrations	Regulatory standards
Arsenic	0.17	0.05
Barium	.26	1.0
Cadmium	.09	.01
Chromium	.085	.05
Nickel	.076	.350
Cyanide	[1] <.001	.20
Lead	.26	.05
Mercury	[1] <.001	.002
Selenium	.09	.01
Silver	[1] <.003	.05

[1] Calculated using the total constituent concentration and 20-fold dilution.

The filter press cake exhibited arsenic, cadmium, chromium, lead, and selenium levels (at the compliance point) significantly above the National Interim Primary Drinking Water Standards (NIPDWS). The filter press cake did, however, exhibit non-hazardous levels of barium, mercury, and silver (*i.e.*, below the NIPDWS); nickel levels below the Agency's interim health-based standard of 0.35 ppm [20], and cyanide levels below the U.S. Public Health Service's suggested drinking water standard (an Oily Waste EP extraction for cyanide was not completed, since the total constituent concentration of cyanide was very low (*i.e.*, <0.1 mg/kg)).[21] Additionally, due to the waste's low cyanide content, the filter cake material could not exhibit free cyanide at levels expected to create a health hazard through inhalation.

In particular, the total cyanide, and thus free cyanide, are not present in sufficient concentrations to volatilize at concentrations exceeding the workroom air threshold limit of 10 ppm set by the American Conference of Governmental Industrial Hygienists (ACGIH).[22] Lastly, the waste filter cake is not reactive, ignitable, or corrosive.

The organic compounds listed in Table 3 were evaluated by first estimating their leachate concentrations, using the Organic Leachate Model (OLM), and then predicting their compliance point concentrations with the VHS model.[23] This procedure resulted in the compliance point concentrations presented in Table 5. Table 5 also presents, for each organic compound, the regulatory standard to which the predicted concentration is compared.

[20] See footnote 7.

[21] See footnote 8.

[22] *Documentation of the Threshold Limit Values for Substances in Workroom Air.* American Conference of Governmental Industrial Hygienists, 3rd ed., 1971. Cincinnati, OH.

[23] See footnote 9.

TABLE 5.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS [1] (MG/L)

Constituents	Base-line concentrations	Ninety-five percent confidence concentrations	Regulatory standards [2]
Tetrachloroethylene	0.0006	0.00078	0.00069
p-Chloro-m-cresol	.016	.02	.2
Methylene chloride	.0038	.005	.056
Xylene	.00077	.00098	2.0
Benzene	.0015	.002	.0012
Toluene	.0015	.0019	10.5

[1] The proposed OLM presented two equations, the best fit and the 95% confidence interval applied to the best fit. Both versions are presented here. Once the OLM is made final, only one version of the equation will apply.

[2] An explanation of the derivation of these regulatory standards is available in the RCRA public docket.

As indicated in Table 5, both the base-line concentrations and 95 percent confidence concentrations of p-chloro-m-cresol, methylene chloride, xylene and tolune, and base-line concentration of tetrachloroethylene are below the respective regulatory standards. The base-line concentration of benzene and the 95 percent confidence concentrations of benzene and tetrachloroethylene exceed their respective regulatory standards. The Agency notes, that the maximum concentration for both tetrachloroethylene and benzene was less than 1 ppm. The Agency uses the non-detected value as the maximum total constituent concentration in its analysis; however, when a constituent is not detected, using an approved test method from SW–846 and an acceptable detection limit for that particular waste matrix, the Agency will, as a matter of policy, not regulate the waste as hazardous for that constituent. In John Deere's case, this assumption has not been made since John Deere claims that a lower level of quantification is possible (*i.e.*, use of lower detection limit is possible). The Agency has identified these constituents as components used by John Deere, and, thus, has reason to believe that they are present in John Deere's filter cake at levels less than 1 ppm.

The combined factors of the potentially mobile concentration, of arsenic, cadmium, chromium, lead, selenium, tetrachloroethylene, and benzene have caused the Agency to conclude that these wastes are hazardous. The Agency concludes, therefore, that John Deere's waste, generated at their Dubuque, Iowa facility, could present a significant hazard to both human health and the environment. The Agency believes that the waste should be considered hazardous, and again subject to regulation under 40 CFR Parts 262 through 265. The Agency proposes to deny John Deere's application for final exclusion and proposes to revoke John Deere's temporary exclusion.

IV. LTV Steel Company

A. Petition for Exclusion

LTV Steel Company (LTV), located in East Chicago, Indiana, manufactures flat rolled and tubular finished steel products. LTV (formerly Jones and Laughlin Steel Corporation) has petitioned the Agency to exclude its treated sludge, presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. The listed constituents of concern for EPA Hazardous Waste No. F006 are cadmium, chromium, nickel, and cyanide (complexed).

Based upon the Agency's review of their petition, LTV was granted a temporary exclusion on November 22, 1982 (see 47 FR 52668). The basis for granting the temporary exclusion at that time was the low migration potential of the constituents of concern, namely chromium, cadmium, nickel, and cyanide. On November 8, 1984, the Hazardous and Solid Waste Amendments were enacted. In part, the Amendments require the Agency to consider factors (including additional constituents) other than those for which the waste was originally listed, if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) As a result, the Agency has re-evaluated LTV's petition to: (1) Determine whether the petition should be granted based on the original listing criteria; and (2) evaluate the waste for additional factors (other than those for which the waste was listed) to determine whether or not the waste is hazardous. Today's notice is the result of the Agency's re-evaluation of this petition.

In support of their petition, LTV submitted a detailed description of their manufacturing and wastewater treatment processes, including schematic diagrams; results from total constituent and Oily Waste EP toxicity analyses of the waste for chromium,

cadmium, and nickel; [24] and total constituent analyses and EP toxicity test results for cyanide, as well as free cyanide content. LTV also submitted total constituent and Oily Waste EP toxicity analyses for arsenic, barium, lead, mercury, selenium, and silver; and total oil and grease analyses on representative samples. In addition, LTV submitted analytical test results for the priority pollutants; LTV provided this information because the Agency identified, during the development of the Iron and Steel Industry effluent limitations guidelines and standards, certain priority pollutants in discharges from this type of manufacturing process. Much of this information was submitted to determine whether hazardous constituents, other than those for which the waste is listed, are present in the waste at levels of regulatory concern.

LTV's manufacturing process includes: A continuous pickling line which removes surface impurities from steel (the spent acid is collected and handled separately); a tinning line which involves cleaning, tin plating, heating and quenching, and dichromate treatment; [25] chrome plating line which includes cleaning, plating, and rinsing; a cleaning and annealing line; and two galvanizing lines.

Process wastewaters from these operations are treated at a central treatment plant. First, the wastewaters are pumped to two primary mixing tanks, where de-emulsifier is added, and oil is skimmed from the tanks. The settled sludge is removed with drag mechanisms, pumped to flocculator-clarifiers, thickened, and then dewatered in a centrifuge. The wastewater from the primary mixing tanks passes through two secondary mixers where spent acid, lime slurry, polymer, and air are added for coagulating suspended solids, cracking emulsified solids, and adjusting pH. These solids are then also pumped to the flocculator-clarifiers, the thickener, and the centrifuge. The wastewater treatment sludge is collected daily in containers and transferred to a drying bed. The sludge is dried for 10 days to 2 weeks before it is taken offsite for disposal.

Six daily composite samples of the fresh sludge were obtained, over a 3-day period, as the containers were emptied at the drying bed. In addition, the drying bed was divided into quadrants, four samples were collected in each quadrant, and composited into one sample. This method was used to collect two samples (these sludge samples had been drying for 5 days). LTV's original petition was based on six composite samples collected from August 1980 to January 1981, and analyzed for the listed constituents (cadmium, chromium, nickel, and cyanide). Grab samples, collected directly from the centrifuge were taken over a 24 hour period, every 2½ hours and composited. Four additional samples were collected in October, 1985 and analyzed for the listed constituents, the other EP toxic metals, and organics. Four samples were analyzed for leachable chromium in December, 1985 and four samples were analyzed for organics in January, 1986. LTV claims that the manufacturing processes used at the facility are operated in a consistent manner, and that the use of raw materials does not vary over time. LTV claims, therefore, that the samples collected are representative of any variation of the listed and non-listed constituent concentrations.

Total constituent analyses and Oily Waste EP toxicity test results of the treatment sludge for the listed constituents, as well as the other EP toxic metals, revealed the maximum concentrations reported in Tables 1 and 2. (LTV's waste exhibits oil and grease levels as great as 22 percent; consequently, the Oily Waste EP procedure was performed in place of the EP toxicity test.)

TABLE 1.—MAXIMUM CONCENTRATIONS (ppm)

Listed constituents	Total constituent analyses	Oily waste EP leachate results
Cd	<0.22	<0.05
Cr (total) [1]	8,450	.63
Ni	120	.31
CN	6.55	[2] <.02

[1] The evaluation of this petition is based on total chromium rather than hexavalent chromium even though the waste is listed for hexavalent chromium. The Agency believes that the evaluation of hazardous wastes in the context of delisting should include the use of chromium standards which are based upon total chromium, *e.g.*, the EP toxicity characteristic. The acute toxicity of hexavalent chromium is well documented, and Cr(VI) has been incorporated in numerous hazardous waste listings as a constituent of concern. The Agency has information, however, which indicates that trivalent chromium, a less toxic form of chromium, is readily interconvertible with Cr(VI) in a number of environmental scenarios. Recent Agency studies on aqueous systems have determined that Cr(III) in ground water may be readily converted to Cr(VI) by chlorination (commonly used to disinfect drinking water supplies), at a rate dependent upon pH. (Clifford, Dennis, and Jimmy Man Chau, (1984). The fate of chromium (III) in chlorinated water. Draft report prepared for MERL/ORD, U.S. EPA, Cincinnati, OH.) The potential to form Cr (VI) exists for the entire pH range of most ground waters (Battelle, Pacific Northwest Laboratories, 1986). Geochemical behavior of chromium species. Interim report no. EA-4544, prepared for Electric Power Research Institute, Palo Alto, California). Cr (III) has also been found to oxidize readily to Cr (VI) under conditions found in many soils. This reaction is catalyzed by oxidized manganese, such as manganese dioxide which is commonly present in soils and sediments (Bartlett, R. and Bruce, James. 1979. Behavior of Chromium in Soils: III. Oxidation. J. Envir. Qual. 8(1):31-35). Earlier findings of the potential interconvertibility of chromium species convinced the Agency to set its chromium water standard on the basis of total chromium, not hexavalent chromium. The EP toxicity characteristic was also set on the basis of total chromium. EPA's proposal to amend the characteristic to apply to hexavalent chromium (45 FR 72029-72033, October 30, 1980; see also 48 FR 22170-22171, May 17, 1983) has not been made final, and is not likely to be made final. A recommended maximum contaminant level (RMCL) of 0.12 mg/l has been proposed for total chromium (50 FR 46936-47016, November 13, 1985). This new RMCL value is a non-enforceable health goal that serves as an initial stage for establishment of drinking water standards. A revised maximum contaminant level (MCL) for chromium will be proposed when the RMCL is promulgated. Until such time that a new MCL, which is an enforceable standard, is promulgated, the Agency will continue to use the current MCL for total chromium, which is the National Interim Primary Drinking Water Standard of 0.05 mg/l.

[2] Cyanide leachate results are distilled water EP toxicity test results (the Oily Waste EP is not applicable).

TABLE 2.—MAXIMUM CONCENTRATIONS (ppm)

Non-listed constituents	Total constituent analyses	Oily waste EP leachate results
As	16.3	0.002
Ba	37.5	<.1
Pb	26.6	<.001
Hg	<.001	<.005
Se	<.1	<.001
Ag	31.9	<.05

LTV elected to analyze their sludge for all of the organic priority pollutants since the Agency had determined that these constituents may be present in waste generated from the manufacturing of cold rolled steel. Benzene, vinyl chloride, and methylene chloride were the only constituents detected in the waste. The maximum reported concentrations for these organics are presented in Table 3.

TABLE 3.—MAXIMUM CONCENTRATIONS (ppm)

Constituents	Total constituent analyses
Benzene	0.34
Vinyl chloride	.16
Methylene chloride	.74

LTV also provided test data indicating that the sludge is not ignitable, corrosive, or reactive. LTV claims to generate a maximum of 15,000 tons of electroplating wastewater treatment sludge annually.

B. Agency Analysis and Action

LTV has not demonstrated that the waste generated from their wastewater treatment system is non-hazardous. The Agency believes that the samples collected by LTV are non-biased and adequately reflect any variations that may occur in the waste stream petitioned for exclusion. The production and treatment processes are consistent over time. The facility does not act as a job shop or have seasonal product changes. The samples collected, therefore, are believed to be representative of the treated sludge generated by LTV.

The Agency has evaluated the mobility of the inorganic constituents

[24] The Agency requested that LTV perform the "Oily Waste EP toxicity test" on their waste due to an average total oil and grease content of 18.4 percent. See also footnote 14.

[25] The tanks containing plating baths, reclaim baths, and chemical treatment baths are contained and handled separately; these materials are not sent to the treatment plant.

from LTV's waste using the vertical and horizontal spread (VHS) model.[26] The Agency's evaluation, using 15,000 tons of filtered sludge and the maximum reported leachate test results as input parameters, has generated the maximum predicted compliance point concentrations, for the listed constituents, exhibited in Table 4.[27]

TABLE 4.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (ppm)

Listed constituents	Compliance point concentrations	Regulatory standards
Cd	0.008	0.01
Cr (total)	.10	.05
Ni	.049	.35
CN	.003	.2

The predicted maximum level for cadmium, at the compliance point, is below the National Interim Primary Drinking Water Standard; the nickel level is below the Agency's interim health advisory; [28] and the cyanide level is below the U.S. Public Health Service's suggested drinking water standard.[29] The predicted chromium level at the compliance point, however, exceeds the National Interim Primary Drinking Water Standard. The VHS model indicates that chromium has the potential to migrate from LTV's waste.

The Agency has concluded that no other EP toxic metal is present in LTV's waste at levels of regulatory concern (*i.e.*, none are above the regulatory standards at the compliance point using the VHS model). The compliance point values generated from the leachate data, for the non-listed EP toxic metals, are exhibited in Table 5.

TABLE 5.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (ppm)

Non-listed constituents	Compliance point concentrations	Regulatory standards
As	<0.001	0.05
Ba	.02	1.0
Pb	.0002	.05
Se	.0002	.01
Hg	.0008	.002
Ag	.008	.05

The Agency has also evaluated the mobility of organic constituents from LTV's waste using the VHS model with the predicted organic leachate values.[30] Compliance point concentrations of these three compounds were calculated and are presented in Table 6.

TABLE 6.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS FOR ORGANICS [1] (PPM)

Constituents	Predicted leachate concentrations		Predicted compliance point concentrations		Regulatory standards
	Base	95%	Base	95%	
Benzene	0.016	0.022	0.0026	0.0035	0.0012
Vinyl chloride	.011	.015	.0018	.0025	.002
Methylene chloride	.069	.097	.011	.0154	.056

[1] The proposed OLM presented two equations, the best fit and the 95% confidence interval applied to the best fit. Both versions are presented here. Once the OLM is made final, only one version of the equation will apply.

The model predicts that benzene concentrations at the compliance point exceeded the regulatory standard for both versions of the model and concentrations of vinyl chloride exceeded the standard for the 95 percent confidence interval version.[31] Methylene chloride is not predicted to be present, at the compliance point, at a level of regulatory concern.

The Agency believes that the waste generated by the manufacturing process at LTV is not rendered non-hazardous by the wastewater treatment system. The analysis of the sludge using the VHS model indicates the potential of the sludge to leach chromium, benzene, and vinyl chloride and contaminate ground water. The Agency, therefore, proposes to deny this petition for exclusion of the wastewater treatment sludge produced by LTV Steel Company at its East Chicago, Indiana facility and to revoke their temporary exclusion. The Agency believes that the waste should therefore be considered hazardous, and again subject to regulation under 40 CFR Parts 262 through 265.

[26] See footnote 6.

[27] The maximum Oily Waste EP values were used in the VHS model calculations due to the small sample population (maximum of 8 samples); however, even if the upper limit of a 95 percent confidence interval were used in the calculations, 0.052 ppm of chromium are predicted at the compliance point. This is also above the regulatory standard for chromium. LTV ran four additional analyses for chromium since the last submission. These analyses were verified by an Agency representative in a telephone conversation with LTV, and also demonstrated chromium Oily Waste EP results at the 0.6 ppm level.

[28] See footnote 7.

[29] See footnote 8.

[30] See footnote 9.

[31] The upper limit of a 95 percent confidence interval for this data set was calculated for both benzene and vinyl chloride. The resulting compliance point values also exceeded the regulatory standards for those compounds.

V. United Chair, Inc.

A. Petition for Exclusion

United Chair, Inc., located in Irondale, Alabama, manufactures steel office furniture. United Chair has petitioned the Agency to exclude their wastewater treatment sludge, currently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following operations: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. The listed constituents of concern for EPA Hazardous Waste No. F006 are cadmium, hexavalent chromium, nickel, and cyanide (complexed).

Based upon the Agency's review of their petition, United Chair was granted a temporary exclusion in May 1982. The basis for granting the exclusion, at that time, was the relative immobility of the constituents of concern. On November 8, 1984, however, the Hazardous and Solid Waste Amendments of 1984 were enacted. In part, the Amendments require the Agency to consider factors (including additional constituents) other than those for which the waste was originally listed, if the Agency has a reasonable basis to believe that such factors are present and could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) As a result, the Agency has re-evaluated United Chair's petition to: (1) Determine whether the petition should be granted based upon the factors for which the waste was originally listed; and (2) determine whether any additional factors are present which could cause the waste to be hazardous. Today's notice is the result of the Agency's re-evaluation of United Chair's petition.

United Chair's manufacturing processes include bright nickel electroplating and chrome electroplating of steel parts. The plating line consists of 25 tanks. All overflow from these tanks is piped directly to the wastewater treatment facility. When solution replacement is necessary, the acid and caustic tanks are pumped to holding tanks and partially treated on a batch basis. The partially treated solutions are then directed through the entire wastewater treatment system. Wastewaters from a spill sump and the final rinses following the chrome tank are also treated on a batch basis prior to discharge to the treatment facility.

Treatment processes consist of chrome reduction, using sulfuric acid and sodium bisulfite, followed by pH adjustment with lime to form insoluble metal hydroxides. Polyelectrolyte is also added to improve settling. The metal hydroxides and any other solids are precipitated in a flow-through tube settler. From these, the precipitated sludge is pumped to a clarifier and then to a filter press for dewatering. United Chair estimates the maximum sludge generation rate to be 150 cubic yards per year.

In support of their petition, United Chair submitted descriptions of their manufacturing and treatment processes, lists of raw materials used in each process, and material safety data sheets for those materials. United Chair also submitted analytical data to characterize the sludge in its as-disposed condition. This included the results from total constituent analyses and EP leachate tests for the EP toxic metals, nickel, and cyanide, as well as results from tests for total oil and grease content.

Samples were collected from the filter press, which dewaters the sludge from the clarifier. Seven composites sludge were collected from the press as it was being emptied. Each composite sample consisted of 36 grab samples from the press. Since the clarifier has a 2-week retention capacity, and since the sludge is expected to be well mixed due to pump agitation, each sample represented several days of sludge production. Samples were collected in this manner on four occasions in 1981 and on three occasions in 1984. United Chair also submitted results from EP leachate tests for chromium and barium performed on five additional samples collected in January 1986, for a total of twelve samples for these two parameters. The results of these analyses are summarized in Tables 1 and 2.[32]

TABLE 1.—TOTAL CONSTITUENT ANALYSES (MG/KG)

Toxicant	Minimum conc.	Maximum conc.
As	0.96	10.0
Ba	20	1,839.0
Cd	3	20.0.
Cr	1,008	22,700.0
Pb	43	300.0
Hg	.06	.4
Se	1.0	5.0
Ag	.83	20.0
Ni	930	21,500.0
CN	.05	3.0

[32] For cases where concentrations were reported to be less than the detection limits, the value of the detection limit was used in subsequent calculations.

TABLE 2.—EP LEACHATE ANALYSES (MG/L)

Toxicant	Minimum conc.	Maximum conc.
As	0.001	0.01
Ba	.02	41.5
Cd	.02	.02
Cr	.02	2.84
Pb	.05	1.35
Hg	.001	.002
Se	.005	.007
Ag	.0001	.02
Ni	.03	.88
CN	.0003	.02

B. Agency Analysis and Action

United Chair has not demonstrated that their wastewater treatment sludge is non-hazardous. The Agency believes that the samples collected by United Chair are non-biased and representative of their sludge. The retention time of the sludge in the clarifier is believed to cause each sample to be representative of several days of sludge production. In addition, samples were collected over a period of several months during two different calendar years. This sampling procedure would be expected to illustrate the variability in sludge composition and minimize the chance of non-representative sampling. The Agency, therefore, believes United Chair's claim that the samples are representative.

As can be seen from Tables 1 and 2, the sludge is extremely variable, both in terms of total constituent and EP leachate concentrations. United Chair attributes the variability in constituent concentrations to the introduction of partially neutralized batches of spent acid, cleaners, overflows and leaks from the spill sump, and rinse waters (following the chrome plating) into the treatment system. United Chair estimates that these batch discharges occur approximately 40 hours per month. It should be noted, however, that the frequency of collection and number of samples tested do not allow the Agency to assume that the highly leachable waste is generated at any regular interval.

The Agency's evaluation of the mobility of toxicants from United Chair's waste included the use of the vertical and horizontal spread (VHS) model.[33] This evaluation, using the maximum reported leachate concentrations [34] and the estimated annual sludge generation volume (150 cubic yards), resulted in the predicted compliance point concentrations indicated in Table 3. Table 3 also presents the regulatory standard to which the compliance point concentration is compared.

TABLE 3.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (mg/l)

Toxicant	Compliance point concentrations	Regulatory standards
As	0.0003	0.05
Ba	1.28	1.0
Cd	.0006	.01
Cr	.088	.05
Pb	.042	.05
Hg	.0001	.002
Se	.0002	.01
Ag	.0006	.05
Ni	.027	.35
CN	.0006	.2

With the exception of barium and chromium, the compliance point concentrations of the EP toxic metals are less than their regulatory standards (the National Interim Primary Drinking Water. Standards). The presence of these toxicants in United Chair's waste is not, therefore, of regulatory concern. The compliance point concentrations of nickel and cyanide are also less than their regulatory standards (the Agency's interim delisting standard[35] and the U.S. Public Health Service's suggested drinking-water standard,[36] respectively).

The predicted compliance point concentrations of barium and chromium, however, exceed their regulatory standards. Due to the high constituent concentrations and the excessive leachability of these toxicants, the Agency believes that the presence of barium and chromium cause the waste to be hazardous to human health and the environment.

United Chair has not demonstrated that their waste is nonhazardous and the Agency believes that the waste should be subject to hazardous waste control under 40 CFR 262 through 265. The Agency proposes, therefore, to deny United Chair's petition for the exclusion of EPA Hazardous Waste No. F006 generated at their Irondale, Alabama plant, and to revoke their temporary exclusion.

VI. Effective Date

The Hazardous and Solid Waste Amendments of 1984 amended 3010 of RCRA to allow rules to become effective in less than six months when the

[33] See footnote 6.

[34] The Agency has used the maximum reported concentrations due to the variability of the sludge and the small sample population size. Values other than the maximum (*i.e.*, means; weighted means; upper confidence limits) will be used only in cases where process schedules causing waste variations are well defined and where the sample data set is sufficiently large.

[35] See footnote 7.

[36] See footnote 8.

regulated community does not need the six month period to come into compliance. This is the not the case for the petitions included in today's notice. For the five petitioners having their temporary exclusions revoked and their petitions denied, these facilities will be required to revert back to handling their wastes as they did before being granted these exclusions (*i.e.*, they must handle their waste as hazardous). These petitioners would need some time to come into compliance with the RCRA hazardous waste management system. Accordingly, the effective date of the revocation and denial of final exclusions for these petitioners would be six months after publication in the Federal Register.

VII. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to a requirement of a Regulatory Impact Analysis. This proposal, which would revoke temporary and informal exclusions and would deny the exclusion petitions submitted by certain facilities, is not major. The affect of this proposal would increase the overall costs for these facilities. The actual costs to these companies, however, would not be significant. In particular, in calculating the amount of waste that is generated by these five facilities and considering a disposal cost of $300/ton, the increase to these facilities is approximately $8.3 million, well under the $100 million level constituting a major regulation. This proposal is not a major regulation, therefore, no Regulatory Impact Analysis is required.

VIII. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. §§ 601–612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment, a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will have the effect of increasing overall waste disposal costs for five facilities which currently have temporary exclusions. Some of the facilities may be considered small entities, however, this rule only effects five facilities across different industrial segments. The overall economic impact, therefore, on small entities is small. Accordingly, I hereby certify that this proposed regulation will not have a significant impact on a substantial number of small entities.

This regulation, therefore, does not require a regulatory flexiblility analysis.

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling.

Authority: Sec. 3001 RCRA, 42 U.S.C. 6921.

Dated: October 15, 1986.

Jeffery D. Denit,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 86–23752 Filed 10–20–86; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–6901]

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed modified base (100-year) flood elevations listed below for selected locations in the nation. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program.

DATES: The period for comment will be ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION: Mr. John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed modified base (100-year) flood elevation determinations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

The proposed modified base flood elevations for selected locations are:

PROPOSED MODIFIED BASE FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
California	City of Fremont, Alameda County.	San Francisco Bay	North and west of State Highway 84 (Thornton Road)	*7	*7
			State Highway 84 (Thornton Road) to Southern Pacific Railroad near Albrae.	*7	*8
			Southern Pacific Railroad near Albrae to corporate limits.	*7	*9
			Fremont Airport—including area bounded by Line B (Zone 6) channel to the north; corporate limits to the south; Nimitz Freeway to the east; and Coyote Creek to the west.	*5	*9
			Area east of Nimitz Freeway at Scott Creek	*7	*9
Maps are available for inspection at the Office of the Director, Public Works Department, City Government Building, 39700 Civic Center Drive, Fremont, California.					
Send comments to Mayor Dutch Morrison, City Government Building, 39700 Civic Center Drive, Fremont, California 94538.					
California	City of Newark, Alameda County	San Francisco Bay	East of Highway 84 and north of Mowry Slough	*7	*8
Maps available for inspection at the City Clerk's Office, City Administration Building, 37101 Newark Boulevard, Newark, California.					
Send comments to Mayor David Smith, City Administration Building, 37101 Newark Boulevard, Newark, California 94560.					
Florida	Town of Hastings, St. Johns County.	West Run Cracker Branch	About 500 feet downstream of State Road 207	*6	*8
			About 950 feet upstream of State Road 207	*8	*9
		St. Johns River	At intersection of First Street and Church Street	*7	*6
Maps available for inspection at the Clerk's Office, P.O. Box 427, Hastings, Florida.					
Send comments to The Honorable Jody Bateman, Mayor, Town of Hastings, P.O. Box 427, Hastings, Florida 32045.					
Indiana	Town of Nashville, Brown County.	North Fork Salt Creek	Just downstream of confluence with Jackson Branch	*600	*602
			About 0.63 mile upstream of confluence of Claylick Creek.	*608	*610
			Just upstream of State Route 46 (near confluence of Gnaw Bone Creek).	*615	*618
			1,530 feet upstream of Old State Route 46	*617	*621
Maps available for inspection at the Brown County Planning Commission, P.O. Box 401, Nashville, Indiana.					
Send comments to The Honorable Alberta Schrock, President, Town of Nashville, P.O. Box 294, Nashville, Indiana 47448.					
Massachusetts	Pittsfield, city, Berkshire County	Southwest Branch	Upstream side of CONRAIL bridge	*984	*976
			Approximately 1,100 feet downstream of Cadwell Road.	*984	*978
			Approximately 80 feet upstream of Cadwell Road	*984	*982
			Approximately 800 feet upstream of Cadwell Road	*986	*985
Maps available for inspection at the Pittsfield Planning Board, 70 Allen Street, Room 205, Pittsfield, Massachusetts.					
Send comments to The Honorable Charles Smith, Mayor of the City of Pittsfield, Berkshire County, City Hall, 70 Allen Street, Pittsfield, Massachusetts 01201.					
Missouri	City of Independence, Jackson and Clay Counties.	Missouri River	At river mile 357.10	*740	*739
			At river mile 357.91	*739	*740
Maps available for inspection at the Planning Department, City of Independence, 111 East Maple Street, Independence, Missouri.					
Send comments to The Honorable Barbara Potts, Mayor, City of Independence, 111 East Maple Street, Independence, Missouri 64050.					
New York	Brightwaters, village, Suffolk County.	Great South Bay	At intersection of South Bay Avenue and Shore Road	*5	*7
			Shoreline at Concourse East (extended)	*6	*9
Maps available for inspection at the Village Hall, 40 Seneca Drive, Brightwaters, New York 11718.					
Send comments to The Honorable Gregory M. Gibson, Mayor of the Village of Brightwaters, Suffolk County, 40 Seneca Drive, Brightwaters, New York 11718.					
New York	Patchogue, village, Suffolk County.	Great South Bay	Entire shoreline within community	*6	*8
			Shoreline of Patchogue River at Laurel Street, extended.	*5	*6
Maps available for inspection at the Patchogue Village Hall, 14 Baker Street, Patchogue, New York.					
Send comments to The Honorable Norman F. Lechtrecker, Mayor of the Village of Patchogue, Suffolk County, 14 Baker Street, Patchogue Village Hall, Patchogue, New York 11772.					
North Carolina	City of Raleigh, Wake County	Big Branch (Tributary to Walnut Creek).	At confluence with Walnut Creek	*184	*184
			Just downstream of Rock Quarry Road	*184	*186
			About 800 feet upstream of Rock Quarry Road	*186	*186
		New Hope Tributary	At confluence with Marsh Creek	*216	*216
			Just upstream of dam located about 1,300 feet upstream of the confluence with Marsh Creek.	*223	*223
			Just downstream of dam located about 1,500 feet downstream of New Hope Church Road.	*235	*239
			Just upstream of dam located about 1,500 feet downstream of New Hope Church Road.	*249	*250
			Just downstream of dam located about 300 feet upstream of New Hope Church Road.	*252	*254
			Just upstream of dam located about 300 feet upstream of New Hope Church Road.	*270	*271
			Just downstream of dam located about 300 feet upstream of Waterbury Road.	*279	*280
			About 600 feet upstream of Waterbury Road	*288	*289
		Perry Creek	Just upstream of Gresham Lake Dam	*253	*251

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Just downstream of Rock Quarry Bridge	*258	*258
		Walnut Creek	At mouth	*176	*177
			About 1.14 miles upstream of mouth	*177	*177

Maps available for inspection at the Planning Department, P.O. Box 590, Room 307, Raleigh, North Carolina.

Send comments to The Honorable Avery C. Upchurch, Mayor, City of Raleigh, P.O. Box 590, 222 W. Hargett Street, Raleigh, North Carolina 27602.

Oregon	Washington County (unincorporated areas).	Beaverton Creek	Approximately 1,110 feet downstream of Murray Blvd.	*172	*171
			Just downstream of Murray Blvd.	*176	*171
			Just upstream of Murray Blvd.	*177	*174
			Just upstream of Southwest Karl Braun Drive	*177	*175

Maps are available for inspection at the Public Works Office, County Administration Building, 150 North First Avenue, Hillsboro, Oregon.

Send comments to Mr. Wes Myllenbeck, Chairman, Washington County Board of Commissioners, County Administration Building, 150 North First Avenue, Hillsboro, Oregon 97123.

Pennsylvania	Altoona, city, Blair County	Mill Run	At downstream corporate limits	*1,053	*1,052
			Approximately 175 feet downstream side of Logan Boulevard.	*1,072	*1,070
			Approximately 170 feet downstream side of Union Avenue (upstream crossing).	*1,108	*1,107
			Approximately 115 feet downstream side of CONRAIL	*1,146	*1,147
			At upstream corporate limits	*1,193	*1,192

Maps available for inspection at the City Hall, Altoona, Pennsylvania.

Send comments to The Honorable David L. Jannetta, Mayor of the City of Altoona, Blair County, City Hall, Altoona, Pennsylvania 16603.

Texas	Alvin, city, Brazoria County	Mustang Bayou	Approximately 1,000 feet upstream of Atchison, Topeka and Santa Fe Railway.	None	*47
			At upstream corporate limits	None	*47
		Sheet Flow	Intersection of State Route 1462 and Parker Road	None	*1
		Sheet Flow	Between Verhalen Road and corporate limits	None	*1
		Sheet Flow	Intersection of Friendswood Road and State Route 35	None	*1
			Approximately 500 feet west along South Street from intersection of South Street and Tracy Lynn Lane.	None	*2

Maps available for inspection at the City Hall, 216 West Sealy, Alvin, Texas.

Send comments to The Honorable Ted Hermann, Mayor of the City of Alvin, Brazoria County, 216 West Sealy, Alvin, Texas 77511.

Texas	Houston, city, Harris, Fort Bend, and Montgomery Counties.	Reinhardt Bayou	Approximately 50 feet upstream of Lee Road	*78	*77
		Horsepen Creek	At upstream corporate limits	*110	*111
		Clear Creek	Approximately 2,500 feet downstream of Hiram-Clarke Road.	*65	*64
			Approximately 2,140 feet upstream of Hiram-Clarke Road.	*66	*65
		Sims Bayou	Approximately 280 feet upstream of LaPorte Freeway (State Route 225).	*15	*14
			Approximately 800 feet upstream of Park Place Boulevard.	*16	*15
			Upstream side of Interstate Route 45	*28	*29
			Upstream side of Swallow Street	*35	*36
			Confluence of Tributary 10.12	*39	*40
			Upstream side of State Route 288	*48	*47
			Upstream side of Almeda Road	*54	*52
			Confluence of Tributary 17.82	*54	*53
			Confluence of Tributary 20.25	*58	*57
			Upstream side of Hillcroft	*64	*63
			Approximately 2,700 feet upstream of Settlemont Road.	*69	*70
		Berry Bayou	Upstream side of Ahrens Street	*18	*19
			Approximately 800 feet upstream of Allendale Road	*20	*21
			Upstream side of Richey Drive	*23	*24
			Upstream side of Galveston, Houston, and Henderson Railroad.	*29	*31
			Upstream side of Edgebrook Drive	*33	*34
		Tributary 2.00 to Berry Bayou	At confluence with Berry Bayou	*22	*23
			Wynbelts (extended)	*32	*31
			College Avenue culvert (upstream side)	*34	*35
		Tributary 3.31 to Berry Bayou	Approximately 1,300 feet downstream of Edgebrook Drive.	*34	*33
			Approximately 650 feet upstream of Edgebrook Drive	*36	*35
		Tributary 10.12 to Sims Bayou	At confluence with Sims Bayou	*39	*40
			Approximately 300 feet upstream of Vasser Street	*41	*40
		Tributary 10.77 to Sims Bayou	Approximately 1,600 feet upstream of Selinsky Road	*41	*40
			Approximately 2,620 feet upstream of Selinsky Road	*42	*41
			Approximately 3,200 feet upstream of Selinsky Road	*43	*42
		Tributary 13.83 to Sims Bayou (formerly known as Tributary 13.73).	Approximately 1,650 feet upstream of Airport Boulevard.	*46	*45
			Approximately 2,520 feet upstream of Airport Boulevard.	*47	*46
		Tributary 17.82 to Sims Bayou (formerly known as Tributary 17.76).	At confluence of Sims Bayou	*54	*53
			Approximately 2,550 feet upstream of Tidewater Drive	*54	*53
		Tributary 20.25 to Sims Bayou (formerly known as Tributary 20.12).	At confluence of Sims Bayou	*58	*57

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 100 feet upstream of South Post Oak Road.	*59	*58
			Approximately 250 feet upstream of Anderson Road	*63	*62

Maps available for inspection at 900 Bagby Street, Houston, Texas.

Send comments to The Honorable Kathryn J. Whitmire, Mayor of the City of Houston, Harris, Fort Bend, and Montgomery Counties, P.O. Box 1562, Houston, Texas 77251.

Texas	Montgomery County	White Oak Creek-West	Approximately 0.6 mile downstream of Chateau Woods corporate limits.	*109	*110
			Approximately 0.4 mile downstream of Chateau Woods corporate limits.	*109	*111
		White Oak Creek-West Tributary No. 1.	Downstream Chateau Woods corporate limits	*117	*115
			Upstream Chateau Woods corporate limits	*124	*123

Maps available for inspection at 326 1/2 Main Street, Conroe, Texas.

Send comments to The Honorable Jimmie C. Edwards, Montgomery County Judge, Montgomery County Courthouse, Conroe, Texas 77301.

Texas	Ovilla, city, Dallas and Ellis Counties.	Red Oak Creek	At downstream corporate limits	*596	*595
			Upstream side of State Route 664	*608	*604
			Upstream side of Water Street	*625	*619
			At upstream corporate limits	*652	*651
		Shiloh Branch	At confluence with Red Oak Creek	*609	*605
			Upstream side of Stock Tank Dam	*635	*634
			At upstream corporate limits	*637	*637
		Little Creek	Approximately 520 feet downstream of downstream corporate limits.	None	*590
			At upstream corporate limits	None	*596

Maps available for inspection at the City Hall, Cocker Hill and Main, Ovilla, Texas.

Send comments to The Honorable Albert Phillips, Mayor of the City of Ovilla, Dallas and Ellis Counties, P.O. Box 5047, Ovilla, Texas 75154.

Texas	Plano, city, Collin and Denton Counties.	Rowlett Creek	Downstream side of Los Rios Boulevard	*528	*526
			At confluence of Stream 2D8	*535	*536
		Spring Creek	Approximately 1,500 feet upstream of Dallas North Parkway.	*598	*600
			Upstream side of West 16th Street	*610	*609
		Prairie Creek	Approximately 1,000 feet upstream of Independence Parkway.	*688	*687
			Approximately 250 feet downstream of Park Boulevard	*707	*706

Maps available for inspection at the City Hall, City Manager's Office, 1520 Avenue K, Plano, Texas.

Send comments to The Honorable Jack Harvard, Mayor of the City of Plano, Collin and Denton Counties, P.O. Box 358, Plano, Texas 75074.

Virginia	Hampton, city	Chesapeake Bay	Stony Point	*13	*11
			Intersection of Adriatic Drive and Lighthouse Drive	*10	*9
			Intersection of Olde Buckingham Road and Tyburn Court.	*10	*9
			Intersection of Port Comfort Avenue and Resort Boulevard.	*10	*9
			Intersection of Newburn Avenue and Fort Worth Street	*8.5	*9

Maps available for inspection at City Hall, Planning Department, Hampton, Virginia.

Send comments to The Honorable Robert J. O'Neill, Jr., Manager of the City of Hampton, 22 Lincoln Street, Hampton, Virginia 23669.

Issued: September 26, 1986.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc 86-23627 Filed 10-20-86; 8:45 am]

BILLING CODE 6718-03-M

Notices

Federal Register
Vol. 51, No. 203
Tuesday, October 21, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Administration; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Administration of the Administrative Conference of the United States, to be held at 9:30 a.m. on Wednesday, Oct. 29, 1986, at the Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, DC. The Committee will meet to discuss George Ruttinger's draft report and recommendation on agency acquisition of the services of persons, such as mediators, convenors and arbitrators, to serve in proceedings that make use of alternative means of dispute resolution.

Attendance is open to the interested public, but limited to space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance of the meeting. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting, contact Charles Pou, Jr., Office of the Chairman, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, DC. (Telephone: 202–254–7065.) Minutes of the meeting will be available on request.

Jeffrey S. Lubbers,

Research Director.

October 16, 1986.

[FR Doc. 86–23695 Filed 10–20–86; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Cooperative Forestry Research Advisory Council; Meeting

According to the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92–463, 86 Stat. 770–776) U.S. Department of Agriculture announces the following meeting:

Name: Cooperative Forestry Research Advisory Council.

Date: December 10–11, 1986.

Time: 9:00 a.m.–5:00 p.m.

Place: Department of Agriculture, Room 107–A, Administration Building, Washington, DC.

Type of Meeting: Open to the public. Persons may participate in the meeting if time and space permit.

Comments: The public may file written comments before or after the meeting by contacting the person below.

Purpose: The Council will be deliberating the McIntire-Stennis Forestry Research program with particular emphasis on forest research priorities, annual distributions of funds, and administration of McIntire-Stennis Cooperative Forestry Research program.

Contact Person for Agenda and More Information: Dr. Boyd W. Post, Cooperative State Research Service, Room 123 Justin Smith Morrill Building, U.S. Department of Agriculture, Washington, DC 20251; telephone (202) 447–2016.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

[FR Doc. 86–23689 Filed 10–20–86 8:45 am]

BILLING CODE 3410-22-M

Forest Service

Timber Export and Substitution Restrictions

AGENCY: Forest Service, USDA.

ACTION: Request for comments on need for a hearing.

SUMMARY: The Forest Service has received a request that unprocessed, dead white pine sawtimber in portions of eastern Washington, northern Idaho, and western Montana be found surplus to domestic needs. The Secretary of Agriculture is authorized to make such a finding after a public hearing (36 CFR 223.163). Comments are hereby solicited as to whether a public hearing should be scheduled to determine whether dead white pine sawtimber is surplus to domestic needs.

DATE: Comments should be submitted not later than November 20, 1986.

ADDRESSES: Send comments to R. Max Peterson, Chief (2400), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

The public may inspect comments received on this proposal in the office of the Director, Timber Management Staff, Room 3207, South Building, 14th and Independence Avenue SW., Washington, DC, between the hours of 8:30 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Stephen J. Paulson, Timber Management Staff, (202) 475–3755.

Dated: October 6, 1986.

F. Dale Robertson,

Assistant Chief.

[FR Doc. 86–23548 Filed 10–20–86; 8:45 am]

BILLING CODE 3410-11-M

National Agricultural Statistics Service

Discontinuation of May 1 Peach Production Forecast

Notice is hereby given that the National Agriculture Statistics Service (NASS) plans to discontinue the May 1 peach producing forecast for the nine Southern States (Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas). Historically, production has been forecast on May 1 for the nine Southern States and on June 1, July 1, and August 1 for all producing States. Beginning in 1987, NASS plans to discontinue the May 1 forecast for the Southern States and continue the June 1, July 1, and August 1 forecasts of production as in the past.

Since this planned change is based on extensive contacts with industry leaders in all nine Southern States, no further announcement of this change is planned.

Comments from interested persons regarding the change should be addressed to Richard D. Allen, Director, Estimates Division, NASS/USDA, Room 5847–S, Washington, DC 20250.

Done at Washington, DC, this 16th day of October 1986.

W.E. Kibler,

Administrator.

[FR Doc. 86-23744 Filed 10-20-86; 8:45 am]

BILLING CODE 3410-20-M

Shift to Market Year Average Price

Notice is hereby given that the National Agricultural Statistics Service (NASS) of the U.S. Department of Agriculture proposes to shift its major crop price series from a season average price to a market year average price effective with the 1986 marketing year.

Prices and expanded marketing information collected in the NASS monthly probability price survey will be used for the calculation of the marketing year averages. Marketing years for the U.S. are defined as June through May for wheat, oats, and barley; September through August for corn, soybeans, and grain sorghum; and August through July for rice.

The season average price series calculated the average price for the 12 months following usual harvest in each State. Crops under Government loan at the end of the marketing season were valued at the loan value.

The marketing year calculation will offer the following advantages:

1. The new prices series will fit the definitions included in the Food Security Act of 1985.

2. Average prices will be based on actual commodity movements and receipts by farmers.

3. The new price series will be comparable to the 5-month price calculations which have been in place for deficiency payments.

4. The marketing year average prices will be available at the end of the month following the close of the marketing year, considerably earlier than the season average price calculations.

5. The U.S. average price will now reflect crop sales by farmers for the same months in all States.

The marketing year approach does mean that crops of two different producing years will be combined in the new series. That is, crops in the South which are harvested and marketed before the start of the official marketing year will be included in the marketing year price for the preceding marketing year. These amounts will be a small portion of the marketings for most crops. Months included in the marketing year for individual States will continue to be based on the local harvesting and marketing patterns.

NASS would discontinue the season average price series as of the 1985 marketing season.

Below are the U.S. marketing year prices for each crop along with the present seasons average price calculations. The series starts with 1977 (1982 for rice) because of the starting date of the probability price reporting survey. *Crop Values* issued in January 1987 will use market year prices. Historic State marketing year prices will be published in the January 1987 issue of *Agricultural Prices.*

[In dollars per bushel]

Year	Corn		Soybeans	
	Season average price	Marketing year average price	Season average price	Marketing year price
1977	2.02	1.99	5.88	5.91
1978	2.25	2.23	6.66	6.68
1979	2.52	2.48	6.28	6.29
1980	3.11	3.12	7.57	7.60
1981	2.50	2.47	6.04	6.07
1982	2.68	2.55	5.69	5.71
1983	3.25	3.21	7.81	7.83
1984	2.62	2.63	5.78	5.84

[In dollars per bushel]

Year	Wheat		Barley		Oats	
	Season average price	Marketing year average price	Season average price	Marketing year price	Season average price	Marketing year price
1977	2.33	2.34	1.78	1.79	1.09	1.09
1978	2.97	2.95	1.92	1.92	1.20	1.15
1979	3.78	3.80	2.29	2.27	1.36	1.33
1980	3.91	3.99	2.84	2.79	1.79	1.72
1981	3.66	3.69	2.44	2.48	1.89	1.88
1982	3.55	3.45	2.22	2.18	1.49	1.49
1983	3.53	3.51	2.50	2.47	1.67	1.62
1984	3.38	3.39	2.26	2.29	1.69	1.67

[In $ per hundredweight]

Year	Sorghum		Rice	
1977	3.25	3.09	.....	.....
1978	3.59	3.69	.....	.....
1979	4.20	4.19	.....	.....
1980	5.25	5.19	.....	.....
1981	4.25	4.01	.....	.....
1982	4.50	4.41	8.11	7.91
1983	5.07	4.89	8.76	8.57
1984	4.27	4.13	8.06	8.04

Any comments or questions on the proposal should be directed to Richard D. Allen, Director, Estimates Division, NASS/USDA, Room 5847-S, Wash., DC 20250. The comment period will close November 7, 1986.

Done at Washington, D.C. this 16th day of October 1986.

W.E. Kibler,

Administrator.

[FR Doc. 86-23743 Filed 10-20-86; 8:45 am]

BILLING CODE 3410-20-M

Survey Program Modifications

Notice is hereby given that the National Agricultural Statistics Service (NASS) is revising several of its major quarterly and annual surveys. These revisions differ somewhat from proposals made by the NASS June 17, 1986, (FR Doc 86-13661) based on responses received to the proposals and further analysis of stratification, sampling, and estimation considerations.

The major features of the new survey and estimation program are:

1. Sampling and data collection will be integrated for quarterly hogs and on-farm grain stocks surveys along with crop acreage, production, and planting intentions surveys. These surveys will be referred to as the December 1, March 1, June 1, and September 1 Agricultural Surveys.

2. Sampling and data collection will be integrated for the January cattle and sheep surveys.

3. Starting January 1, 1987, all livestock inventory and grain stocks data in the above surveys will be collected on a first-of-month reference date basis. Data collection activities will start on the first of the appropriate month with all data collected by the 15th of the month.

4. A midyear U.S. level cattle report similar to that of recent years will be continued but with a June 1 reference date.

5. While most end-of-year cattle and sheep data will be collected after January 1 each year, data for operators not on the list sampling frame will be collected with the Area Frame survey conducted during the December 1 reference date period. In order to determine if the contribution of these operations to the total changes between the two survey periods, all operations indicating a possible change in cattle inventories before January 1 will be recontacted in the January 1, 1987, survey. A full followup of area frame operations not on the list sampling frame is being considered for January 1988. Similar plans have not been designed for sheep.

The new survey plan will put major crops surveys on a full probability sampling basis for the first time. Integration of the various surveys will

reduce the number of total contacts of farmers while maintaining good precision for all survey estimates. The combined data collection activities will be more cost-effective than maintaining the present approach of separate surveys. Additional benefits which will accrue with the new program are:

1. Relating livestock inventory and grain stocks on hand data to a specific reference date and collecting all information after that date will improve data quality. Formerly, all data have been collected as of the date of interview with much of the data actually collected ahead of the nominal survey reference date.

2. Crop harvested acreage and final production estimates will be based on consistent probability survey procedures for the 48 conterminous States.

3. The March Planting Intentions report will include new data on winter wheat seeded acreage.

4. Fewer planting intentions will be reflected in the midyear planted acreage survey.

5. A preliminary summary of acreage harvested, yield, and production for small grains will be available from the September survey, earlier than was previously possible.

6. Nearly all survey respondents will have some positive data to report in contrast to the relatively large number of farms without the desired item of interest when single commodity surveys are used.

The new quarterly probability integrated survey approach has been tested over the past 2 years to determine proper questionnaire design and to develop new sampling approaches which will maintain the present survey precision for probability livestock surveys.

The integrated survey program was one of the major proposals of the Agency's long-range planning report, *Framework For The Future*, in March 1983. Most aspects of the planned surveys are in keeping with recommendations made by the Economics and Statistics Review Panel which reported to the Secretary of Agriculture in June 1985. In particular, quality improvements in data series, changes in the crops survey dates, and implementation of full probability surveys were addressed by the Panel.

The table below shows the major items of interest to be collected on each survey and the proposed release dates.

TABLE 1.—INTEGRATED SURVEY PROGRAM WITH MAJOR ITEMS TO BE COLLECTED—1987 AND JANUARY 1988

Survey reference date[1]	Survey information to be collected	Proposed release dates 1987–88
Mar. 1	Hogs and pigs inventory	Mar. 31, 1987.
	On-farm grain stocks	Do.
	Acreage intentions	Do.
June 1	Hogs and pigs inventory	June 30, 1987.
	On-farm grain stocks	Do.
	Mid-year cattle inventory	Do.
	Planted acreage	July 9, 1987.
Sept. 1	Hogs and pigs inventory	Sept. 30, 1987.
	On-farm grain stocks	Do.
	Small grain annual summary.	Oct. 8, 1987.
Dec. 1	Hogs and pigs inventory	Jan. 5, 1988.
	On-farm grain stocks	Jan. 14, 1988.
	Crops annual summary	Do.
	Winter wheat seedings	Do.
Jan. 1	Cattle inventory	Feb. 3, 1988.
	Sheep inventory	Feb. 5, 1988.

[1] Data collection will be scheduled for the first 15 working days of each month.

Questions on the new survey schedule should be sent to Richard D. Allen, Director, Estimates Division, NASS/USDA, Room 5847–S, Washington, DC 20250.

Done at Washington, DC, this 16th day of October 1986.

W.E. Kibler,

Administrator.

[FR Doc. 86–23742 Filed 10–20–86; 8:45 am]

BILLING CODE 3410–20–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–009]

Color Television Receivers, Except for Video Monitors, From Taiwan; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of peliminary results of antidumping duty Administrative review.

SUMMARY: In response to requests by the petitioners,another domestic interested party, respondents, and an importer, the Department of Commerce has conducted an administrative review of the antidumping duty order on color television receivers, except for video monitors, from Taiwan. The Review covers nine manufacturers and/or exporters of this merchandise to the united States and generally the period Otober 19, 1983 through March 31, 1985. The review indictes the existence of dumping margins for some of the firms during the period.

As a result of the review, the Department has preliminarily determined to assess dumping duites equal to the calculated differences between United States price and foreign market value.

When no information was received in response to our questionnaire, we used the best information available for assessement and estimated antidumping duties cash deposit purposes.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: October 21, 1986.

FOR FURTHER INFORMATION CONTACT: Elizabeth P. Klages of David P. Mueller, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–1130/2923.

SUPPLEMENTARY INFORMATION:

Background

On April 30, 1984, the Department of commerce ("the Department") published in the **Federal Register** an antidumping duty order on color television receivers, except for video minitors, from Taiwan (49 FR 18337, April 30, 1984). We began the current review of the order under our old regulations. After the promulgation of our new regulations, the petitioners, another domestic interested party, eight respondents, and an importer requested in accordance with § 353.53(a) of the Commerce Regulations that we complete the administrative review. We published notices of initiation of the antidumping duty administrative review on October 25, 1985 (50 FR 43432) and November 27, 1985 (50 FR 48825).

Scope of the Review

Imports covered by the review are shipments of color television recivers, except for video monitors, complete or incomplete, regardless of tariff classification. The merchandise is currently classifiable under item numbers 684.9346, 684.9248, 684.9250, 684.9252, 684.9253, 684.9255, 684.9256, 684.9258, 684.9262, 684.9263, 684.9270, 684.9275, 684.9655, 684.9656, 684.58, 684.9660, and 684.9663 of the Tariff Schedules of the United States Annotated.

The review covers nine manufacturers and/or oxporters of Taiwanese color television receivers, except for video monitors to the United States, and generally the period October 19, 1983 through March 31, 1985. Shinlee failed to respond to the Department's questionnarie. We calculated foreign market value for that firm based on the best information available. The best information available was the highest rate for responding firms. Because RCA

did not respond with information converning certain sales to the first unrelated purchaser in the United States, for these sales we used the best information available. The best information available was the highest rate for responding firms.

United States Price

In calculating United States price the Department used purchase price of exporter's sales price ("ESP") both as defined in section 772 of the Tariff Act of 1930 ("the Tariff Act"), as appropriate. Purchase price and exporter's sales price were based on the packed f.o.b., c.i.f., or delivered price to unrelated purchasers in the United States. Where applicable, we made adjustments for ocean freight, marine insurance, U.S. and foreign inland freight and insurance, U.S. and foreign brokerage fees, bank charges, U.S. customs duties, export charges and stamp taxes, discounts, rebates, credit expenses, warranty, advertising and sales promotion, royalities, commissions to unrelated parties, and the U.S. subsidiaries' indirect selling expenses. Where applicable, we made an addition for import duties not collected on imported raw materials used to produce subsequently exported merchandise, in accordance with § 353.10(d)(1)(ii) of the Commerce Regulations. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, third-country price, or constructed value, all as defined in section 773 of the Tariff Act, as appropriate. When insufficient quantities of such or similar merchandise were sold in the home market during the period to provide a basis for comparison, we used third-country price. When insufficient quantities of such or similar merchandise were sold in both the home market and to third countries, we used constructed value.

Home market price was based on the packed delivered price to unrelated purchasers in the home market, with adjustments, where applicable, for inland freight, insurance, commissions to unrelated parties, rebates, credit expenses, bank charges, discounts, warranty, advertising and sales promotion, royalties, differences in the physical characteristics of the merchandise, and packing. We made further adjustments, where applicable, for indirect selling expenses to offset commissions and U.S. selling expenses for ESP calculations. We accounted for taxes imposed in Taiwan, but rebated or not collected by reason of the exportation of the merchandise to the United States, by subtraction from home market price, as best information available.

Third-country price was based on the packed f.o.b., c.i.f., or delivered price to unrelated purchasers in various third countries. We made adjustments, where applicable, for ocean freight, marine insurance, bank charges, Taiwanese inland freight, Taiwanese brokerage, stamp taxes and export charges, royalties, differences in the physical characteristics of the merchandise, and packing.

Constructed value consisted of the sum of the costs of materials, fabrication, general expenses, profit, and the cost of packing. The amount added for general expenses was 10 percent of the sum of materials and fabrication costs or actual general expenses, whichever was higher. The amount added for profit was 8 percent of the sum of the costs of materials, fabrication, and general expenses, or actual profit, whichever was higher.

For Sampo we disallowed claimed adjustments for bad debt incurred on home market sales and after-sale warehousing interest expenses because they were not directly related to sales. For AOC we disallowed a portion of claimed home market inland freight expenses because the company did not demonstrate that the transportation charges were incurred only after a sale was made. We disallowed a portion of AOC's claimed advertising expense because AOC inappropriately allocated the claimed amount. We disallowed Tatung's claimed warranty expense because it did not reflect warranty expenses of the comparisons models. However, in ESP Comparisons or as offsets to U.S. commissions, we allowed all of the above claimed expenses as indirectly related selling expenses. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
AOC International, Inc.	10/19/83-3/31/85	2.96
Capetronic (BSR) Ltd.	10/19/83-3/31/85	0.30
Fulet Electronic Industrial Co., Ltd.	10/19/83-3/31/85	16.48
Nettek Crop., Ltd.	10/19/83-3/31/85	0
RCA Taiwan Ltd.	10/19/83-3/31/85	13.54
Sampo Corp.	04/01/84-3/31/85	29.27
Shinlee Corp.	10/19/83-3/31/85	29.27
Shin-Shirasuna Electric Corp.	10/19/83-3/31/85	0.40
Tatung Co.	10/19/83-3/31/85	24.07

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclsoure and/or a hearing within 5 days of the date publication. Any hearing, if requested, will be held 30 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumpting duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required for these firms. Since the margins for Capetronic and Shin-Shirasuna are less than 0.5 percent and therefore *de minimis* for cash deposit purposes, the Department shall not require a cash deposit of estimated antidumping duties for these firms. For any future entries of this merchandise from a new exporter, not covered in this or prior administrative reviews, whose first shipments occurred after March 31, 1985 and who is unrelated to any reviewed firm, a cash deposit of 29.27 percent shall be required. These deposit requirements and waivers are effective for all shipments of Taiwanese color television receivers, except for video monitors, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53a of the Commerce Regulations (19 CFR 353.53a; 50 FR 32556 August 13, 1985).

Dated: October 15, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 86-23740 Filed 10-20-86; 8:45 am]

BILLING CODE 3510-DS-M

[C-201-005]

Litharge, Red Lead, and Lead Stabilizers From Mexico; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On July 31, 1986, the Department of Commerce published the preliminary results of its administrative reveiw of the countervailing duty order on litharge, red lead, and lead stabilizers from Mexico. The review covers the period January 1, 1984 through December 31, 1984 and 11 programs.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results.

EFFECTIVE DATE: October 21, 1986.

FOR FURTHER INFORMATION CONTACT: John Miller or Paul McGarr, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On February 24, 1986, the Department of Commerce ("the Department") published in the **Federal Register** (51 FR 6450) the final results of its last administrative review of the countervailing duty order on litharge, red lead, and lead stabilizers from Mexico (47 FR 54847, December 6, 1982). On October 18, 1985, three Mexican exporters, Pigmentos y Oxidos, S.A., Productos Industriales de Plomo, S.A., and Oxidos y Pigmentos, S.A., requested in accordance with § 355.10 of the Commerce Regulations as administrative review of the order. We published the new initiation on January 21, 1986 (51 FR 2747) and the preliminary results of administrative review on July 31, 1986 (51 FR 27438). We have now completed the administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

Imports covered by the review are shipments of Mexican litharge, red lead, and lead stabilizers, which include lead compounds "not specifically provided for" ("NSPF") and pigments containing lead NSPF. Such merchandise is currently classifiable under the following items of the Tariff Schedules of the United States Annotated: litharge, 473.5200; red lead, 473.5600; lead compounds NSPF, 419.0400; and pigments containing lead NSPF, 473.9000.

The review covers the period January 1, 1984 through December 31, 1984 and 11 programs: (1) FOMEX; (2) Article 94 of the Banking Law; (3) import duty reductions; (4) accelerated depreciation; (5) CEPROFI; (6) state tax incentives; (7) FONEI; (8) FOGAIN; (9) CEDI; (10) NDP preferential discounts; and (11) Bancomext loans.

Final Results of Review

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, we determine the total bounty or grant to be 1.56 percent *ad valorem* for the period of review.

The Department therefore will instruct the Customs Service to assess countervailing duties of 1.56 percent of the f.o.b. invoice price on all shipments of this merchandise exported on or after January 1, 1984 and on or before December 31, 1984.

The elimination of benefits under the FOMEX loan program reduces the total estimated bounty or grant to 0.17 percent *ad valorem*, a rate the Department considers *de minimis*. Therefore, the Department will instruct the Customs Service to waive cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on all shipments of litharge, red lead, and lead stabilizers from Mexico entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit waiver shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.10 of the Commerce Regulations (50 FR 32556, August 13, 1985).

Dated: October 15, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 86-23737 Filed 10-20-86; 8:45 am]

BILLING CODE 3510-DS-M

[C-201-015]

Unprocessed Float Glass From Mexico; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the agreement suspending the countervailing duty investigation on unprocessed float glass from Mexico. The review covers the period February 1, 1984 through December 31, 1985 and 19 programs.

As a result of the review, the Department has preliminarily determined that Vitro Flotado, S.A., and Vidrio Plano de Mexico S.A., the signatories to the suspension agreement, have complied with the terms of the suspension agreement during the period of review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: October 21, 1986.

FOR FURTHER INFORMATION CONTACT: Barbara Williams or Paul McGarr, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On February 28, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 7267) an agreement suspending the countervailing duty investigation on unprocessed float glass from Mexico. On October 2, 1985 and February 28, 1986, the petitioner, PPG Industries, Inc. ("PPG"), requested in accordance with § 355.10 of the Commerce Regulations an administrative review of the agreement for two separate periods. We published initiations of the administrative review on November 27, 1985 (50 FR 48825) and March 14, 1986 (51 FR 8863). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

Imports covered by the review are shipments of Mexican unprocessed float glass ("float glass"), a type of flat glass produced by floating molten glass over a bed of molten tin. Such merchandise is currently classifiable under items 543.2100 through 543.6900 of the Tariff Schedules of the United States Annotated.

The review covers the period February 1, 1984 through December 31, 1985 and 19 programs: (1) CEPROFI; (2) DIMEX; (3) CEDI/extra-CEDI; (4) FICORCA; (5) FOMEX; (6) Article 94 of the Banking Law; (7) FONEI; (8) NPD preferential discounts; (9) state tax incentives; (10) FOMIN; (11) FOGAIN; (12) import duty reductions and exemptions; (13) export services offered by IMCE; (14) Bancomext loans; (15) delay of payments on loans; (16) delay of payment of PEMEX of fuel charges; (17) preferential state investment incentives; (18) FICORCA II; and (19) accelerated depreciation.

The review covers two exporters, Vitro Flotado, S.A. ("Vitro Flotado") and Vidrio Plano de Mexico, S.A. ("Vidrio Plano"), the two signatories to the suspension agreement ("the signatories").

Analysis of Programs

(1) CEPROFI

Certificates of Fiscal Promotion ("CEPROFI") are tax certificates that are used to promote the goals of the National Development Plan ("NDP") and are granted in conjunction with investments in designated industrial activities and geographic regions. CEPROFI certificates can be used to pay a variety of fedeal tax liabilities.

Producers may receive CEPROFI benefits under three provisions: "Category I," which makes CEPROFI certificates available for the manufacture and processing of construction and capital goods; "Category II," which makes CEPROFI certificates available for particular industrial activities; and a third provision, which makes CEPROFI certificates available for the purchase of Mexican-made equipment.

The Department held in the final affirmative countervailing duty determination on bricks from Mexico (49 FR 19564, May 8, 1984) that CEPROFI certificates granted for the purchase of Mexican-made equipment were not countervailable since such certificates are available to any company that purchases Mexican-made equipment. We consider the other two types of CEPROFI certificates to be domestic bounties or grants because they are available only to certain industries.

Vidrio Piano did not receive or use any CEPROFI certificates during the period of review. Due to an administrative oversight, Vitro Flotado did receive and use two Category II CEPROFI certificates during the period of review. However, we verified that the company repaid to the government an amount equal to the value of two certificates. In addition. Vitro Flotado paid an interest penalty, calculated by using rates applicable to late payments of taxes to the Mexican government, on the amount of the two CEPROFI certificates. The company calculated the interest due from the date of receipt of the certificates to the date of repayment. Vitro Flotado also received three Category I CEPROFI certificates during the period of review but returned all three, unused, to the government. Therefore, we preliminarily determine that neither signatory received benefits from this program during the review period.

(2) DIMEX

Import Permits for Exporters ("DIMEX") are certificates that exporters can use in place of import licenses for certain inputs. Exporters must register with a bank and contract to sell a specified amount of foreign currency to the bank over a certain period of time. After the specific conditions of the contract are met, the exporter receives a DIMEX certificate the enables him to import inputs valued at no more than 30 percent of the value of the foreign currency export earnings sold under the contract. Use of the DIMEX certificate as an import license does not exempt the importer from the normal import duties, nor does it allow preferential access to imported inputs. A DIMEX certificate is merely a substitute for the import license. During the review period, Vidrio Plano obtained and used one DIMEX certificate.

Since July 1985, when the Government of Mexico eliminated the requirement for import licenses on a majority of its tariff items, DIMEX has become obsolete. Because the program does not exempt the exporter from normal import duties and because it does not provide preferential access to imported goods, we preliminarily determine that it is not countervailable.

(3) CEDI/extra-CEDI

Tax Rebate Certificates ("CEDI's"), issued by the Mexican Government to exporters, are based on the f.o.b. or c.i.f. value of the exported merchandise and can be used to pay a variety of federal taxes. The petitioner, PPG, alleges that at least through 1984, the Mexican government continued to grant CEDI's, particularly to export consortia. PPG claims that the Mexican float glass industry benefits from CEDI's by means of a pass-through from Vitro, S.A., the parent company, and Fomento de Comercio Exterior ("FCE"), an export consortium.

Vitro, S.A., is the majority stockholder in Vitro Plan, S.A., and Vitro Plan, in turn, is that parent of Vitro Flotado and Vidrio Plano. During verification, we reveiwed Vitro, S.A.'s accounting records for the period of review and found that, although Vitro, S.A., received CEDI's during the period of review, it provided no pass-through of CEDI benefits to the float glass producers. We also verified that all financial transfers between the two float glass producers, Vitro Flotado and Vidrio Plano, and Vitro Plan and Vitro, S.A., were arms-length transaction. Further, we found that Vitro, S.A., did not provide investment funds to Vitro Flotado, Vidrio Plano or Vitro Plan. Finally, we verified that neither Vitro Flotado nor Vidrio Plano received or used any CEDI certificates during the period of review.

PPG defines extra-CEDI's as CEDI's paid to export consortia and alleges that FCE passed through extra-CEDI's to the companies under review. During verification, we reviewed the relationship between Vitro Flotado, Vidrio Plano and FCE. We verified that both Vitro Flotado and Vidrio Plano terminated their relationship with FCE in January 1984 with regard to exports to the United States. We found no evidence of a pass-through of benefits.

(4) FICORCA

On December 20, 1982, in response to the balance-of-payments crisis and the deterioration of domestic business conditions that Mexico suffered in late 1982, the Government of Mexico and the Banco de Mexico established the Trust Fund for Coverage of Risks ("FICORCA"), which operates through the country's credit institutions. All Mexican firms with registered debt in foreign currency and payable abroad to Mexican credit institutions or to foreign financial entities or suppliers may purchase, at a controlled rate, the amount in dollars necessary to pay principal on that debt. All loans covered by the program must be long-term or restructured on a long-term basis. The program applied to all loans taken out as of Decemberf 20, 1982, and companies had until October 25, 1983 to register for the program. We verified that both Vitro Flotado and Vidrio Plano participated in

the FICORCA program during the period of review.

In the final affirmative countervailing duty determination in this case (49 FR 23097, June 4, 1984), we determined that the FICORCA program was available to all Mexican firms with foreign indebtedness and that it was not targeted to a specific industry or enterprise, group of industries or enterprises, or to companies located in specific regions. We also found that FICORCA was not tied in any way to exports. Therefore, we determined that this program was not countervailable.

In the course of this review, PPG has requested that the Department reevaluate the FICORCA program in light of new information available. Based on this new information, PPG asserts that FICORCA is targeted to certain companies or industries within Mexico and therefore is countervailable. By limiting eligibility to companies with foreign debt incurred before December 20, 1982, the petitioner contends that the Mexican government knew exactly which companies would be eligible for FICORCA, indicating that the Mexican government targeted those specific companies. Further, based on the eligibility requirements, PPG contends that only a small portion of corporations and businesses in Mexico could participate in FICORCA.

We have reviewed the information presented during the original investigation of this case and the information submitted during this review. While the new information presented by PPG does contain new or updated statistics on the number of potential and actual beneficiaries, we believe that this new information does not change the Department's understanding of the operation of the program or the reasoning that led to our decision in the final determination. We knew at that time that the program applied only to foreign debt and to debt incurred before a specific date. We also knew that the Mexican government monitored foreign debt commitments and, therefore, could have predicted participants in FICORCA. However, the Mexican government did not restrict refinancing under FICORCA to specific industries or locations.

We do not consider a domestic program that does not restrict participation to specific industries or locations and that in fact is used by a wide variety of industries in various locations to be specifically provided. Therefore, we continue to uphold our determination that the FICORCA program is not provided to a specific enterprise or industry, or group of enterprises or industries, and that the program is not countervailable.

(5) Other Programs.

We also examined the following programs and preliminarily find that the signatories did not use them during the review period:

(A) Fund for the Promotion of Exports of Mexican Manufactured Products ("FOMEX");
(B) Article 94 of the Banking Law;
(C) Fund for Industrial Development ("FONEI");
(D) NDP preferential discounts;
(E) State tax incentives;
(F) National Industrial Development Fund ("FOMIN");
(G) Guarantee and Development Fund for Medium and Small Industries ("FOGAIN");
(H) Import duty reductions and exemptions;
(I) Export services offered by the Mexican Institute of Foreign Commerce ("IMCE")
(J) Bancomext loans;
(K) Delay of payments on loans;
(L) Delay of payment to PEMEX of fuel charges;
(M) Preferential state investment incentives;
(M) New Exchange Risks Trust Fund Program ("FICORCA II"); and
(O) Accelerated depreciation.

Preliminary Results of Review

As a result of our review, we preliminarily determine that Vitro Flotado and Vidrio Plano have complied with the terms of the suspension agreement for the period February 1, 1984 through December 31, 1985. The agreement can remain in force only so long as shipments covered by it account for at least 85 percent of exports of such merchandise to the United States. Our information indicates that Vitro Flotado and Vidrio Plano accounted for all imports into the United States of Mexican float glass during the review period.

Interested parties may submit written comments on these preliminary results by November 5, 1986 and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held on November 5, 1986. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.10 of the Commerce Regulations (50 FR 32556, August 13, 1985).

Dated: October 15, 1986.

Gilbert B. Kaplan,

Deputy Assisant Secretary, Import Administration.

[FR Doc. 86-23738 Filed 10-20-86; 8:45 am]
BILLING CODE 3510-DS-M

[C-301-003]

Roses and Other Cut Flowers From Colombia; Preliminary Results of Countervailing Duty Administrative Review and Proposed Revised Suspension Agreement

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of preliminary results of administrative review and proposed revised suspension agreement.

SUMMARY: The Department of Commerce has conducted an administrative review of the agreement suspending the countervailing duty investigation on roses and other cut flowers from Colombia. The review covers the period January 18, 1983 through June 30, 1983 and nine programs.

As a result of the review, the Department has preliminarily detemined that Colombian cut flower exporters complied with the terms of the suspension agreement. We also find that cut flower exporters used working capital financing under Resolution 59 and fixed asset financing under Decree 2366, programs that we found countervailable in the suspended countervailing duty investigation on certain textile mill products and apparel from Colombia. These programs were not included in the original suspension agreement. We are therefore proposing a revised suspension agreement that requires cut flower exporters to renounce any programs that we consider countervailable or potentially countervailable, including Resolution 59 loans and Decree 2366 loans. Interested parties are invited to comment on these preliminary results and proposed revised suspension agreement.

EFFECTIVE DATE: October 21, 1986.

FOR FURTHER INFORMATION CONTACT: Bernard Carreau or Susan Silver, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On January 18, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 2158) an agreement suspending the countervailing duty investigation on roses and other cut flowers from Colombia. On October 2, 1985, three domestic interested parties, Roses, Inc., the California Floral Trade Council, and the Floral Trade Council, requested in accordance with § 355.10 of the Commerce Regulations an administrative review of the suspension agreement. We published the initiation of the review on November 27, 1985 (50 FR 48825). The Department has now conducted that review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

Imports covered by the review are shipments of Colombian roses and other fresh cut flowers (excluding miniature carnations), and bouquets, wreaths, sprays, or similar articles made from such flowers or other fresh plant parts. Roses are currently classifiable under item 192.1800, and other fresh cut flowers (excluding miniature carnations) under item 192.2100 of the Tariff Schedules of the United States Annotated.

The review covers the period January 18, 1983 through June 30, 1983 and nine programs: (1) CAT/CERT; (2) air freight reductions; (3) Resolution 59; (4) Decree 2366; (5) Resolution 42; (6) FFA; (7) FFI; (8) FCE; and (9) FONADE.

Analysis of Programs

(1) CAT/CERT

The Government of Colombia provided payments to exporters of cut flowers in the form of negotiable Tax Credit Certificates ("CATs") that could be used for the payment of various taxes or sold on the stock exchange at a discount. Rebates were calculated as a percentage of (1) the value of the exported product attributable to the domestic value-added content, and (2) imported inputs on which duties have been paid. We preliminarily determine that Colombian cut flower exporters did not receive CAT payments on exports of this merchandise to the United States during the period of review.

On April 1, 1984, the Colombian government established in Law 48/83 the Tax Rebate Certificate ("CERT"), which replaces the CAT. The CERT is intended to rebate all or part of the indirect taxes paid by exporters. Like the CAT, the CERT is freely negotiable on the stock market and can be used for paying a variety of taxes.

The Banco de la Republica, Colombia's central bank, certified to the Department on August 15, 1984 that it withheld CERT payments to cut flower exporters on shipments to the United States and Puerto Rico. Therefore, we preliminarily determine that exporters did not receive CERT payments on shipments of this merchandise to the United States during the period of review.

(2) Air Freight Reductions

The Civil Aeronautics Board (DAAC), an agency of the Colombian government, established in Resolution 5833 minimum and maximum air freight rates for a variety of products, including cut flowers. The maximum DAAC rate for cut flowers is considerably lower than the air freight rates for other products carried over the same routes, thereby raising the possibility that the Colombian government is attempting to suppress cut flower freight rates. Section D(3) of the suspension agreement states that the Department may consider rescinding the agreement if the air freight rates paid by cut flower exporters approach the government-mandated maximum rates set by the DAAC. If we found such rates, we might consider them indicative of government control rather than the result of competitive forces.

We found that the actual rates negotiated between cut flower exporters and private air-freight companies were considerably lower than the DAAC mixmum rates during the period of review, indicating that freight rates for cut flowers are a function of competition in the air freight market and not the result of government suppression of those rates. We therefore preliminarily determine that this program provides no benefit and no reason to consider rescinding the suspension agreement.

(3) Resolution 59

Resolution 59, which was passed by the Monetary Board of Colombia on August 30, 1972, provides working capital financing at preferential rates to firms that manufacture, store, or sell products destined for export. All industries are eligible, except producers of coffee, petroleum, and petroleum by-products. Resolution 59 loans are administered by the Export Promotion Fund ("PROEXPO"), an agency of the Colombian government. The loans are for 180 days and the interest is paid quarterly, in advance. In February 1986, the maximum annual interest rate was 19 percent. Colombian exporters of cut flowers received working capital loans under Resolution 59 during the period of review.

For a benchmark rate, we tentatively used the short-term interest rate available from the Fund for Agricultural Financing ("FFA") and the Agrarian Fund, the major sources of financing to agriculture. The rate for both funds in February 1986, the most recent information available, was 24 percent. On this basis, we preliminarily determine the current interest differential to be 5 percent. We are continuing to collect information on both national average interest rates and agricultural interest rates in Colombia.

Since we found this program countervailable in the suspension of countervailing duty investigation on certain textile mill products and apparel from Colombia (50 FR 9863, March 12, 1985) ("the textiles suspension of investigation"), we have included it in the revised suspension agreement.

(4) Decree 2366

Under Decree 2366, PROEXPO provides exporters with long-term financing for capital investment at preferential rates. The amount of the loan cannot exceed 100 million pesos, the maximum term is five years, and the annual interest rate is 18 percent. Exporters of cut flowers used this program during the period of review.

There are no long-term loans available from the commercial banking system in Colombia. For a benchmark, we used the long-term interest rate of 21 percent available from the FFA in February 1986, the most recent information available. On this basis, we preliminarily determine the current interest differential to be 3 percent.

Because we found this program countervailable in the textiles suspension of investigation, we have included it in the revised suspension agreement.

(5) Resolution 42

Under Resolution 42, PROEXPO provides post-shipment loans to exporters. To obtain the loan, the exporter must pledge his accounts receivable or a letter of credit. Loans of up to 180 days bear an annual interest rate of 2 percent, and loans of longer duration bear an annual interest rate of 4 percent. Because this financing is available only to exporters and is given at preferential rates, we preliminarily determine that it is countervailable. One exporter used this program during the period of review.

Resolution 42 loans are denominated in dollars but are converted to pesos upon receipt, and interest is payable in pesos. Although the Colombian central bank reports that the annual interest,

rate on these loans is either 2 or 4 percent, we verified that the exporter paid interest at an annual rate of 20 percent. Using the same interest benchmark as that for Resolution 59 loans, we preliminarily find an interest differential of 4 percent.

Because we preliminarily find this program to be countervailable, we are including it in the revised suspension agreement.

(6) Other Programs

We examined the following programs and preliminarily determine that exporters of cut flowers did not use them during the period of review:

(A) Fund for Agricultural Financing ("FFA");

(B) Fund for Industrial Financing ("FFI");

(C) Capital Formation Fund ("FCE"); and

(D) Fund for National Economic Development ("FONADE").

Preliminary Results of Review

As a result of our review, we preliminarily determine that the signatories to the suspension agreement have complied with the terms of the suspension agreement during the review period. The agreement can remain in force only so long as shipments covered by it account for at least 85 percent of exports of such merchandise to the United States. Our information indicates that the signatories comprised over 93 percent of exports of the merchandise to the United States during the period of review.

Because the signatories have used two programs that we have found countervailable in another Colombian case, we propose revising the suspension agreement. The proposed revised suspension agreement includes programs investigated in the textiles suspension of investigation. These programs are: (1) Resolution 14, which provides long-term financing at preferential rates for capital investment; (2) duty and tax exemptions for capital equipment under the Plan Vallejo; (3) Export Credit Insurance, which provides guarantees on loans at preferential rates; and (4) countertrade, which permits companies to engage in barter arrangements if such trade creates new markets.

Interested parties may submit written comments on these preliminary results and proposed revision by November 7, 1986 and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held on November 7, 1986. Any request for an administrative protective order must be made not later than 5 days after the date of publication. The Department will publish the final results of this administrative review, including the results of its analysis of any issues raised in any such written comments or at a hearing.

This administrative review, proposed revised suspension agreement, and notice are in accordance with sections 704 and 751(a)(1) of the Tariff Act (19 U.S.C. 1671c and 1675(a)(1)) and §§ 355.10 (50 FR 32556, August 13, 1985), 355.31, and 355.32 (19 CFR 355.31 and 355.32) of the Commerce Regulations.

Dated: October 15, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

Revised Suspension Agreement

Pursuant to the provisions of section 704 of the Tariff Act of 1930 ("the Act") and § 355.31 of the Department of Commerce Regulations, the Department of Commerce ("the Department") and the producers and exporters of roses and other cut flowers (excluding miniature carnations) in Colombia listed in Appendix I hereto, (hereinafter "the producers and exporters"), enter into the following Revised Suspension Agreement ("the Agreement"). In consideration of this Agreement, the Central Bank of Colombia, PROEXPO and any other relevant administering authorities agree voluntarily to take such steps necessary to ensure that the renunciation of benefits by the producers and exporters is implemented and monitored, and that the Department is informed of any other companies that are exporting, or begin exporting to the United States, roses and other cut flowers (excluding miniature carnations) as defined by paragraph I below. On the basis of the foregoing, the Department revises the suspension agreement that became effective on January 18, 1983 (48 FR 2158) with respect to roses and other cut flowers (excluding miniature carnations) from Colombia to include additional programs and additional exporters in accordance with the terms and conditions set forth below:

I. Scope of the Agreement

The Agreement applies to roses and other cut flowers from Colombia ("the subject products"). The subject products cover roses and other cut flowers (excluding miniature carnations), and bouquets, wreaths, sprays, or similar articles made from such flowers or other fresh plant parts as currently provided for in items 192.1800 and 192.2100 of the Tariff Schedules of the United States Annotated.

II. Basis of the Agreement

The producers and exporters listed in Appendix I, accounting for more than eighty-five (85) percent of the total exports of roses and other cut flowers (excluding miniature carnations) from Colombia to the United States, agree to the following:

a. The producer and exporters will not apply for, or receive, tax certificates or other rebates, remissions or exemptions under the Tax Reimbursement Certificate program (CAT/CERT) or any other provision of law that constitute, as determined by the Department, an overrebate of indirect taxes on shipments of the subject products exported, directly or indirectly, from Colombia to the United States.

b. The producers and exporters will not apply for, or receive, any short-term export financing provided by the Export Promotion Fund, PROEXPO (*e.g.*, Resolution 59 and Resolution 42 loans) and under any special government credit line for cut flowers on or after the effective date of the Agreement, other than those offered at non-preferential terms and at or above the most recent short-term benchmark interest rate determined by the Department in this proceeding. By the thirtieth day from the effective date of this Agreement, the producers and exporters shall repay, or begin negotiating the refinancing of, any such financing outstanding as of the effective date of this Agreement on non-preferential terms and at or above the most recent short-term benchmark interest rate determined by the Department in this proceeding. The repayment or refinancing shall be completed no later than ninety days after the effective date of this Agreement.

c. The producers and exporters will not apply for, or receive, any long-term financing provided by the Export Promotion Fund, PROEXPO (*e.g.*, Resolution 2366 loans and Resolution 14 loans) and under any special government credit line for cut flowers, other than those offered on non-preferential terms at or above the most recent long-term benchmark interest rate determined by the Department in this proceeding. Any such financing outstanding as of the effective date of this Agreement shall be repaid, or refinanced, on non-preferential terms and at or above the most recent long-term benchmark interest rate determined by the Department, by the original due date of the loan, or by the sixtieth day from the effective date of this Agreement, whichever comes first. Any such repayment must be consistent

with Colombian bankruptcy laws and procedures.

d. The producers and exporters will not apply for, or receive, any benefits from duty and tax exemptions for capital equipment under the Plan Vallejo.

e. The producers and exporters shall notify the Department in writing prior to applying for approval for any countertrade transaction, and prior to applying for any benefits from the Export Credit Insurance program with respect to exports of the subject products exported, directly or indirectly, to the United States.

f. The producers and exporters will not apply for, or receive, any bounties or grants on shipments of the subject products exported, directly or indirectly, from Colombia to the United States which are countervailable under the Act. Bounties or grants on exports of the subject products to the United States include any which have been found or are likely to be found countervailable in any investigation, or review under section 751 of the Act, involving any product from Colombia, including bounties or grants which the Departmenmt determines may apply to other products or exports to other destinations that cannot be segregated as applying solely to such other products or exports.

g. The producers and exporters shall notify the Department in writing at least thirty days prior to applying for or accepting any new benefit which is, or is likely to be, a countervailable bounty or grant on shipments of the subject products exported from Colombia.

h. If any program under which benefits have been received in the past, and which is included in this Agreement, is found not to constitute a bounty or grant under the Act in the final determination or the final results of an administrative review of this Agreement under section 751 of the Act in this proceeding, then the renunciation of the benefits under that program will no longer be required.

III. Monitoring of the Agreement

1. The products and exporters agree to supply any information and documentation which the Department deems necessary to demonstrate that there is full compliance with the terms of this Agreement.

2. The producers and exporters will notify the Department if they:

a. Transship the subject products through third countries to the United States;

b. Alter their position with respect to any terms of the Agreement; or

c. Apply for, or receive, directly or indirectly, the benefits of the programs described in Section II for the manufacture or export of the subject products exported, directly or indirectly, from Colombia.

3. The Department will request information and may perform verifications periodically pursuant to administrative reviews conducted under section 751 of the Act, in addition to exercising its rights under paragraphs III.1 and 2, above.

4. The producers and exporters agree to permit such verification and data collection as deemed necessary by the Department in order to monitor this Agreement.

5. The producers and exporters agree to notify the Department of the volume and value of exports of the subject products to the United States within 45 days from the end of each calendar quarter.

6. The producers and exporter agree to provide to the Department a periodic certification that they continue to be in compliance with the terms of the Agreement. A certification will be provided within 45 days from the end of each calendar quarter.

IV. General Provisions

1. In entering into this Agreement, the producers and exporters do not admit that any of the programs investigated constitute countervailable benefits within the meaning of the Act or the GATT Subsidies Code.

2. The provisions of section 704(i) shall apply if:

a. The producers and exporters withdraw from this Agreement; or

b. The Department determines that the Agreement is being or has been violated or no longer meets the requirements of section 704 of the Act.

3. If the Department learns of any new producers or exporters to the United States or the subject products, it may attempt to negotiate an agreement with the additional producers or exporters.

4. Additionally, should exports to the United States by the producers and exporters account for less than 85 percent of the subject products imported, directly or indirectly, into the United States from Colombia, the Department may attempt to negotiate an agreement with additional producers or exporters or may terminate this Agreement and reopen the investigation under secton 355.32 of the Commerce Regulations. If reopened, the investigation will be resumed for all producers and exporters of the subject products as if the affirmative prelimiary determination were made on the date that the Department terminates this Agreement.

V. Effective Date

The effective date of this Agreement will be the date of publication of the final results of the current administrative review in the **Federal Register.** The provisions of paragraphs II. a–h apply with respect to exports of the subject products on or after the effective date. No applications may be made after the effective date of this Agreement for the benefits descried in Section II on the subject products exported from Colombia before the effective date.

Signed on this _____ day of _____, 1986.

Thoms A. Rothwell, Jr.,

Heron, Burchette, Ruckert, & Rothwell.

I have determined pursuant to section 704(b) of the Act that the provisions of section II completely eliminate the benefits that the Government of Colombia is providing with respect to roses and other cut flowers (excluding miniature carnations) exported, directly or indirectly, from Colombia to the United States. Furthermore, I have determined that this revision suspension agreement is in the public interest, that the provisions of sections III and the attached undertaking of the Government of Colombia ensure that this Agreement can be monitored effectively, and that this Agreement and attached undertaking meet the requirements of section 704(d) of the Act.

United States Department of Commerce.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

(Date)

_____, 1986

Investigation No. C–301–003.

Total Number of Pages: 2.

This document contains no confidential information.

Mr. Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration, U.S. Department of Commerce, Room 3099, 14th and Constitution Ave., NW., Washington, DC 20230.

Re: Administrative Review of Suspension Agreement on Roses and Other Cut Flowers from Colombia

Dear Mr. Kaplan: In consideration of the Suspension Agreement between the producers and exporters of roses and other cut flowers in Colombia and the Department of Commerce, the Government of Colombia voluntarily agrees to take such steps as are necessary to ensure that the renunciation of benefits by the producers and exporters in this Agreement is effectively implemented and monitored, including:

1. Notifying the relevant authorities of the Government of Colombia of the terms of this Agreement in order to ensure action by those agencies consistent with the terms of this paragraph;

2. Supplying any information and documentation that the Department deems necessary to demonstrate full compliance by the producers and exporters with the terms of this Agreement;

3. Permitting such verification and data collection as deemed necessary by the Department in order to monitor this Agreement;

4. Notifying the Department if it becomes aware that a producer or exporter is transshipping the subject products through third countries to the United States;

5. Notifying the Department if it alters its position with respect to any of the terms of this Agreement;

6. Notifying the Department if it changes the tax rebate rate under the CERT program, indirect tax rates, or import duty rates for the subject products;

7. Notifying the Department if a producer or exporter of the subject products applies for, or receives, directly or indirectly, the benefits of the programs described in paragraphs II. a–f for the manufacture or export of the subject products exported from Colombia;

8. Notifying the Department if the producers or exporters becomes eligible for, apply for, or receive any new or substitute benefits on the subject products exported from Colombia in contravention of paragraph II.g. of the Agreement; and

9. Notifying the Department of any new firms that it learns are exporting the subject products to the United States.

The Central Bank, PROEXPO, and any other administering authority also voluntarily agree to provide to the Department within 45 days of the end of each calendar quarter all relevant information deemed by the Department to be necessary to maintain this Agreement. The information shall include, but not be limited to:

1. A certification (provided after consultation with each agency responsible for administering the programs in Section II) that the producers and exporters have not applied for or received any benefits described in Section II on shipments of the subject products exported from Colombia;

2. A certification that the producers and exporters continue to account for at least 85 percent of total exports of roses and other cut flowers exported, directly or indirectly, from Colombia to the United States; and

3. A certification that the producers and exporters continue to be in full compliance with the Agreement.

The Central Bank, PROEXPO and any other administering authority's voluntary undertaking is not an admission that any of the programs investigated or included in the Revised Suspension Agreement constitute countervailable benefits under the Act or the Subsidies Code.

The Central Bank, PROEXPO and any other administering authority recognize that this undertaking is essential to the continuation of the Agreement.

Sincerely yours,

Andres Lloreda,

Commercial Attache.

[FR Doc. 86–23739 Filed 10–20–86; 8:45 am]

BILLING CODE 3510-DS-M

University of Texas at Austin; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket No. 86–286. Applicant: University of Texas at Austin, Austin, TX 78712. Instrument: Mass Spectrometer for SIMS System, Model SIB–12–63 with Accessories. Manufacturer: Leybold-Heraeus Vacuum Products, West Germany. Intended use: See notice at 51 FR 29150.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is an accessory for an existing secondary ion mass spectrometry system. It provides a guaranteed minimum sensitivity of 6×10^{-4} counts/second for an oxidized $^{98}_{Mo}$ sample and is capable of detecting 4μl of 1 ppm Pb. This capability is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86–23741 Filed 10–20–86; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Emergency Striped Bass Research Study; Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The National Marine Fisheries Service and the U.S. Fish and Wildlife Service will hold a joint meeting to discuss progress on the Emergency Striped Bass Research Study as authorized by the amended Anadromous Fish Conservation Act (Pub. L. 96–118).

DATE: The meeting will convene on Tuesday, November 18, 1986, at 10:00 a.m., and will adjourn at approximately 4:00 p.m. The meeting is open to the public.

ADDRESS: Room 928, Universal Building South, 1825 Connecticut Avenue, NW., Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: David G. Deuel, Office of Resource Investigations, National Marine Fisheries Service, Washington, DC 20235, Telephone: (202) 673–5359.

Dated: October 14, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management.

[FR Doc. 86–23683 Filed 10–20–86; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Limits for Certain Man-Made Fiber Apparel Products Produced or Manufactured in the Philippines

October 15, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 15, 1986. For further information contact Eve Anderson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

A CITA directive dated December 20, 1985 (50 FR 52830) established limits for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines and exported during the agreement year which began on January 1, 1986 and extends through December 31, 1986. At the request of the Government of the Republic of the Philippines, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 24, 1982, as amended, between the Governments of the United States and the Republic of the Philippines, the 1986 limits for Categories 659–T and 659–NT are being adjusted by the application of carryover. The category 659–NT limit is being further adjusted by the application of special swing in the amount of 820,836 pounds to account for certain children's

apparel items which have been charged incorrectly to the limit for adultwear in Category 659–NT. That same amount is being deducted from the limit for Category 659–T. As a result of these adjustments, the limit for Category 659–NT is being increased to 2,725,179 pounds. The limit for Category 659–T is being reduced to 3,990,415 dozen.

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the restraint limits previously established for the categories, as indicated.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1986).

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

October 15, 1986.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 20, 1985 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986.

Effective on October 15, 1986, the directive of December 20, 1985 is hereby further amended to include the following adjusted restraint limits:[1]

Category	Adjusted 12-mo limit[1]
659–NT	2,725,179 pounds.
659–T	3,990,415 dozen.

The limits have not been adjusted to account for any imports exported after Dec. 31, 1985.

[1] The agreement provides, in part, that: (1) Specific limits may be exceeded during the agreement year by designated percentages; (2) specific limits may be adjusted for swing, carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86–23736 Filed 10–20–86; 8:45 am]

BILLING CODE 3510–DR–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collections and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Treatment Plan—R.T.C., CHAMPUS Form 345A

The Treatment Plan—Residential Treatment Center (RTC) Form is necessary to ensure the most appropriate and cost-effective benefits are being provided to CHAMPUS beneficiaries. The form is used in the evaluation/authorization process by OCHAMPUS when a beneficiary (child or adolescent) is requesting service and treatment from a psychiatric treatment center.

Business or other for-profit, non-profit institutions and small businesses or organizations.

Responses: 4,500.

Burden Hours: 2,250.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Suite 1204, 1215 Jefferson Davis Highway, Arlington, VA 22202–4302, telephone (202) 746–0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Ms. Jane Bomgardner, OCHAMPUS, Aurora, Colorado 80045–6900, telephone (303) 361–3509.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 16, 1986.

[FR Doc. 86–23758 Filed 10–20–86; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) an estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Existing Collection in Use Without an OMB Number

Ada Programming Language Use Survey/DD Form

In order for the entire Ada "Information Industry" to benefit from individual "computer software industry" experiences acquired in using the Ada programming language, the AJPO is sponsoring the collection and public sharing of Ada usage information provided voluntarily in writing to the Ada Information Clearinghouse.

State or local governments, businesses, federal agencies or employees, non-profit institutions.

Responses 1,000.

Burden hours 500.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503 and Mr. Daniel J. Vitiello, DoD

Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302, telephone number (202) 746-0933.

SUPPLEMENTAL INFORMATION: A copy of the information collection proposal may be obtained from the Ada Information Clearinghouse, 3D139 (1211 Fern, C-107), The Pentagon, Washington, DC 20301-3081, (703) 685-1477.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 16, 1986.

[FR Doc. 86-23759 Filed 10-20-86; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Existing Collections in Use Without an OMB Number

Financial Status Report (SF 269)

Annual (Final) Technical Report

The Financial Status Report and Annual (Final) Technical Report are required annually of all recipients of Department of Defense Research and Development (R&D) grants. Grantees are predominantly educational institutions; a smaller number of grants are awarded to professional and similar organizations. The collected information is required to provide required fiscal, invention, and technical monitoring and control of the grant program.

Educational Institutions; Certain Professional Organizations.

Responses 7,200.

Burden hours 45,600.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone number (202) 746-0933.

FOR FURTHER INFORMATION CONTACT: A copy of the information collection proposal may be obtained from A.F. Williams, OPI, Room 2A340, The Pentagon, Washington, DC 20301, telephone (202) 697-1481.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 16, 1986.

[FR Doc. 86-23760 Filed 10-20-86; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following request for renewal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made to the information collected; (4) An estimate of the number of responses; (5) An estimate of the total number of hours needed to provide the information; (6) To whom comments regarding the information collection are to be forwarded; and (7) The point of contact from whom a copy of the information proposal may be obtained.

Revision

DoD FAR Supplement Part 215 and Related Clauses in Part 252

The reporting requirement contained in 252.223-7001 is in the form of a notification by the contractor to the contracting officer of the results of actions taken by the contractor to correct any noncompliance with the DoD Contractor's Safety Manual for Ammunition and Explosives (DoD Manual 4145.26M). This information is necessary to ensure that the contractor has formulated a program to correct those deficiencies by a definite date(s). This proposed coverage was previously contained in Part 28 of the DoD FAR Supplement. The burden associated with this proposed coverage was previously approved under OMB Control Number 0704-0216 for Part 28 of the DoD FAR Supplement. This is a new collection for Part 23 of the DoD FAR Supplement.

Businesses or others for profit/small business or organizations.

Responses: 400.

Burden hours: 265.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC. 20503, and Mr. Daniel Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302, telephone (202)746-0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. Owen Green, Defense Acquisition Regulatory Council, ASD(A&L), DASD(P)DARS, Room 3C841, Pentagon, Washington, DC. 20301-3062.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 16, 1986.

[FR Doc. 86-23761 Filed 10-20-86; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondents; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

New

DIS Security Survey, DIS Form XXXX

The thirty question survey is a tool to assist in the determination that DoD contractors participating in the Defense Industrial Security Program, (DISP) are safeguarding classified information. The results of the survey are also supplied to security officials of the contractor to assist them in directing and maintaining their programs. The survey is distributed

annually to a random sample of the approximately 1.2 million DoD cleared individuals participating in the DISP in the United States. Responses to the survey will be voluntary. The request is for a two year pilot study of the survey.

DoD cleared industrial contractor personnel.

Responses: 22,600.

Burden Hours: 7,526.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC, 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone number (202) 746–0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. Mark R.J. Borsi, Defense Investigative Service, Project INSIGHT (V0000), 1900 Half St., SW., Washington, DC 20324–1700, telephone number (202) 475–0932.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 16, 1986.

[FR Doc. 86–23762 Filed 10–20–86; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following request for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains: (1) Type of Submission; (2) Title of Information Collection and Form Number, if applicable; (3) abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension of the Expiration Date of a Currently Approved Collection

Ecclesiastical Endorsement

Certificate that clergy applying for the chaplaincy in the Armed Forces are qualified members of a faith group recognized by DoD. It is an essential element of a chaplain's professional qualifications under Title 10 U.S.C. 643 and provides documentation of years of professional experience for the computation of constructive credit used in determining grade, date of rank and eligibility for promotion of appointees.

Non-profit institutions; 1,000 responses; 1,000 burden hours.

ADDRESSES: Forward comments to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302, telephone (202) 746–0933.

FOR FURTHER INFORMATION CONTACT: A copy of the information collection request may be obtained from Mr. Robert L. Newhart, OASD(FM&P), Room 3C800, Pentagon, Washington, DC 20301–4000, telephone (202) 694–8989.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 16, 1986.

[FR Doc. 86–23763 Filed 10–20–86; 8:45 am]

BILLING CODE 3810–01–M

Department of the Air Force

Public Information Collection Requirement Submitted to OMB Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of information Collection and Form Number, if applicable; (3) Abstract statement of need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total numnber of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

New Collection

DOD Medical Examination Review board (DODMERB) Report of Medical History

DD Form 218 will be used in lieu of SF 93 to obtain medical history from applicants desiring enty into a U.S. Military Academy, a Reserve Officer Training Corps program and the Uniformed Services University of the Health Sciences. This form will provide information better suited to determining the medial qualification for these programs.

Individuals.

Reponses: 60,000 Burden Hours: 15,000.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302, telephone number (202) 746–0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained form SMSgt Jairus Powers, Department of Defense Medical Examination Review Board (DODMERB), Colorado Springs CO 80840–6518, telephone number (303) 472–3578.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 16, 1986.

[FR Doc. 86–23764 Filed 10–20–86; 8:45 am]

BILLING CODE 3810–01–M

Department of the Army

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submissions; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Armed Forces Nurse Corps Professional/Personal Reference, DD Form XXXX. Information required on applicants to determine suitability and qualifications for appointment in the

Nurse Corps of the respective Armed Forces. Deans, heads of department, and supervisors of nurse applicants.

Responses: 27,500.
Burden Hours: 2,291.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone number (202) 746–0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Ms. Angela Petrarca, DAIM–ADI, Room 1C638, The Pentagon, Washington, DC 20310–0700, telephone (202) 695–1671.

Patricia H. Means,
OSD, Federal Register Liaison Officer, Department of Defense.
October 16, 1986.

[FR Doc. 86–23765 Filed 10–20–86; 8:45 am]
BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

New

Recreation User Permit

As part of the registration at fee campgrounds, visitors will be asked three questions and a fee collector will collect three additional items by observation. The information will be used to provide improved visitor services and facilities.

Individuals or households.
Responses: 125,000
Burden Hours: 1,000.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone number (202) 746–0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Ms. Angela Petrarca, DAIM–ADI, Room 1C638, The Pentagon, Washington, DC 20310–0700, telephone (202) 694–0754.

Patricia H. Means,
OSD, Federal Register Liaison Officer, Department of Defense.
October 16, 1986.

[FR Doc. 86–23766 Filed 10–20–86; 8:45 am]
BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Payment of Funeral and/or Interment Expenses, DD Form 1375 and 2065

The DD Form 1375 is used by next-of-kin to request payment of funeral or interment expenses. The DD Form 2065 is used overseas to determine desired disposition of dependents remains.

Surviving sponsor or next-of-kin
Responses: 2,200
Burden hours: 399.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone number (202) 746–0993.

FOR FURTHER INFORMATION CONTACT: A copy of the information collection proposal may be obtained from Ms. Angela R. Petrarca, DAIM–ADI–M, Room 10638, The Pentagon, Washington, DC 20310–0700, telephone (202) 695–1671.

Patricia H. Means,
OSD Federal Register Liaison Officer, Department of Defense.
October 16, 1986.

[FR Doc. 86–23767 Filed 10–20–86; 8:45 am]
BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Record of Preparation and Disposition of Remains, (within CONUS), DD Form 2063. The primary purpose is to ensure that federal standards are met. Additional data is gathered in order to plan budgets and manage for the proper care of remains.

Funeral Directors.
Responses: 2,000
Burden hours: 500.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302, telephone number (202) 746-0993.

FOR FURTHER INFORMATION CONTACT: A copy of the information collection proposal may be obtained from Ms. Angela R. Petrarca, DAIM-ADI-M, Room 1C638, The Pentagon, Washington, DC 20310-0700, telephone (202) 695-1671.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 16, 1986.

[FR Doc. 86-23768 Filed 10-20-86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Monthly Report on Employment, Plant Hours, and Straight-Time Payrolls in Selected Shipyards

BLS 1360.

The collection of information is used to compile monthly data on straight-time earnings from selected shipyards. These indexes are used by the Navy Department and the Maritime Administration for the adjustment of reimbursements to shipbuilders for labor cost incurred on certain government contracts.

Businesses.

Responses 156.

Burden hours 104.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503 and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson-Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone (202) 746-0933.

FOR FURTHER INFORMATION CONTACT: A copy of the information collection proposal may be obtained from Mr. Gary Jackson, Cost Estimating and Analysis Division (SEA 017), Naval Sea Systems Command, Washington, DC 20362-5101, telephone (202) 692-1306.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 16, 1986.

[FR Doc. 86-23769 Filed 10-20-86; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 9412-001, 9728-001, 2611-002, 8468-000, and 8835-002]

Calaveras Public Utility District and Middle Fork Ditch Hydro Partners et al.; Availability of Environmental Assessment and Finding of No Significant Impact

October 16, 1986.

In the matter of Calaveras Public Utility District and Middle Fork Ditch Hydro Partners, South Barre Hydro Electric Company, Scott Paper Company, Clearwater Hydro Limited Partnership, and Dewey B. Smith.

In accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the applications for major and minor licenses (or exemptions) listed below and has assessed the environmental impacts of the proposed developments.

Project No., name, and State	Water body	Nearest town or county	Applicant
Exemptions:			
9412-001—Middle Fork Ditch, CA	Middle Fork Mokelumne River.	Wilseyville	Calaveras Public Utility Distrct and Middle Fork Ditch Hydro Partners.
9728-001—Power Mill Pond MA	Ware River	South Barre	South Barre Hydro Electric Co.
Licenses:			
2611-002—Hydro-Kennebec, ME	Kennebec River	Waterville, Winslow & Benton.	Scott Paper Co.
8468-000—Clearwater, ID	Orofino Creek	Orofino	Clearwater Hydro Limited Partnership.
8835-002—Dewey Smith, CA	Shasta River	Yreka	Dewey B. Smith

Environmental assessments (EA's) were prepared for the above proposed projects. Based on independent analyses of the above actions as set forth in the EA's, the Commission's staff concludes that these projects would not have significant effects on the quality of the human environment. Therefore, environmental impact statements for these projects will not be prepared. Copies of the EA's are available for review in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, DC 20426.

Kenneth F. Plumb,

Secretary

[FR Doc. 86-23729 Filed 10-20-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-11854-002 et al.]

Sun Exploration and Production Co. et al.; Applications for Certificates, Abandonments of Service and Petitions To Amend Certificates [1]

October 16, 1986.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 30, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and Location	Price per Mcf	Pressure base
G-11854-002, D, Oct. 3, 1986	Sun Exploration & Production Co., P.O. Box 2880, Dallas, Texas 75221-2880.	El Paso Natural Gas Company, Lake Trammel Field, Nolan County, Texas.	(1)	
G-13748-000, D, Oct. 3, 1986	do	Texas Eastern Transmission Corporation, Hidalgo Field, Hildago County, Texas.	(2)	
G-6839-001, D, Oct. 3, 1986	do	Texas Eastern Transmission Corporation, N. Winnie Field, Chambers County, Texas.	(3)	
G-18630-001, D, Oct. 3, 1986	do	ANR Pipeline Company, Mocane-Laverne Field, Harper County, Oklahoma.	(4)	
G-7345-000, D, Oct. 3, 1986	do	Lone Star Gas Company, Golden Trend Field, Garvin County, Oklahoma.	(5)	
G-6652-001, D, Oct. 3, 1986	do	Tennessee Gas Pipeline Company, McFaddin Field, Victoria County, Texas.	(6)	
G-5175-000, D, Oct. 3, 1986	do	United Gas Pipe Line Company, McFaddin North Field, Victoria County, Texas.	(6)	
G-6629-001, D, Oct. 6, 1986	do	Transcontinental Gas Pipe Line Corp., North Sun Field, Starr County, Texas.	(7)	
CI62-1251-003, D, Oct. 6, 1986	do	Arkla Energy Resources, Red Oak Field, Latimer County, Oklahoma.	(8)	
CI87-31-000, B, Oct. 2, 1986	Ross & Wharton Gas Company, Inc., 91½ Franklin Street, Buckhanon, W. VA 26201.	Consolidated Gas Transmission Corporation, Freemans Creek, Lewis County, West Virginia.	(9)	
CI86-751-000, (CI75-194), B, Sept. 29, 1986.	Texaco Producing Inc., P.O. Box 52332, Houston, Texas 77052.	Transwestern Pipeline Company, Kermit South Field, Winkler County, Texas.	(10)	
CI86-747-000, (CI72-223), B, Sept. 25, 1986.	do	Kansas-Nebraska Natural Gas Company, Jolliffe No. 1-11 Gas Unit, Camrick Field, Texas County, Oklahoma.	(11)	
CI86-752-000, (CI61-1016), B, Sept. 29, 1986.	do	Transwestern Pipeline Company, Kermit Field, Winkler County, Texas.	(12)	
CI86-750-000, (G-3287), B, Sept. 29, 1986.	ARCO Oil & Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Transcontinental Gas Pipe Line Corp., La Gloria Field, Brooks and Wells Counties, Texas.	(13)	
CI86-746-000, (G-16378), B, Sept. 23, 1986.	Amoco Production Company, P.O. Box 3092, Houston Texas 77253.	Arkansas Louisiana Gas Company, Bethany Field, Harrison County, Texas.	(14)	
CI86-743-000, B, Sept. 22 1986	Kansas Gas Purchasing, P.O. Box 737, Salina, Kansas 67401.	Northwest Central Pipeline Corporation, Blackwell Field, Sec. 5-26N-1-W, Kay County, Oklahoma.	(15)	
CI81-369-001, B, Sept. 29, 1986	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Main Pass South Addition Area Block 311, Outer Continental Shelf, Gulf of Mexico.	(16)	
CI86-749-000, A, Sept. 26, 1986	Petro-Lewis Corporation, P.O. Box 2250, Denver, Colorado 80201.	Northwest Central Pipeline Corporation, Guymon-Hugoton Field, Texas County, Oklahoma.	(17)	
CI86-691-000, (CI78-93), B, Aug. 20, 1986.	Pennzoil Producing Company, P.O. Box 2967, Houston, Texas 77252-2967.	Southern Natural Gas Company, Vermilion Block 228, Offshore Louisiana.	(18)	
G-7642-016, D, Oct. 6, 1986	Mobil Oil Corporation, Nine Greenway Plaza—Suite 2700, Houston, Texas 77046.	Northern Natural Gas Company, Hugoton Field, Stevens County, Kansas.	(19)	
G-7645-010, D, Oct. 6, 1986	do	Northwest Central Pipeline Corporation, Hugoton Field, Texas County, Oklahoma.	(19)	
G-11742-018	do	Northwest Central Pipeline Corporation, Hugoton Field, Haskell, Kearny, Finney & Grant Counties, Kansas.	(19)	
G-8329-000, D, Oct. 6, 1986	Union Texas Petroleum Corporation, P.O. Box 2120, Houston, Texas 77252-2120.	Northern Natural Gas Company, Monument Field, Lea County, New Mexico.	(20)	
G-10049-000, D, Oct. 6, 1986	do	El Paso Natural Gas Company, Eumont Field, Lea County, New Mexico.	(20)	
CI87-45-000, (G-14309), B, Oct. 6, 1986	do	El Paso Natural Gas Company, Bline Bry Field, Lea County, New Mexico.	(20)	
G-6686-001, D, Oct. 6, 1986	do	El Paso Natural Gas Company, Rhodes Field, Lea County, New Mexico.	(21)	
G-6682-000, D, Oct. 6, 1986	do	El Paso Natural Gas Company, Justis Field, Lea County, New Mexico.	(21)	
CI87-50-000, (CI77-823), B, Oct. 6, 1986	Chevron U.S.C. Inc., P.O. Box 7309, San Francisco, Calif. 94120-7309.	Mountain Fuel Resources, Inc., Spearhead Ranch Field, Converse County, Wyoming.	(23)	
CI87-47-000, B, Oct. 3, 1986	Michael B. Wisenbaker, et al	Natural Gas Pipeline Company, Crittendon (Penn) Field, Winkler County, Texas.	(24)	
CI87-48-000 (CI68-678, B, Oct. 3, 1986	do	do	(24)	
CI86-46-000, (G-6631-000), B, Oct. 6, 1986.	Petroleum Equities Corporation, P.O. Box 1788, Longview, Texas 75606-1788.	Tennessee Gas Pipeline Company, N. Government Wells Field, Duval County, Texas.	(25)	
CI77-783-001, D, Oct. 8, 1986	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Okla. 73125.	Southern Natural Gas Company, Tract 9255 Block 37, State Lease 4409, Breton Sound Area, Plaquemines Parish, Louisiana.	(26)	
CI67-1830-000, D, Oct. 8, 1986	do	Texas Eastern Transmission Corporation, Tailgate, Hico-Knowles Field, Lincoln Parish, Louisiana.	(27)	
G-12235-002, D, Oct. 8, 1986	do	Southern Natural Gas Company, State Lease 2326, Breton Sound Block 22, Offshore Louisiana.	(26)	
CI87-30-000, A, Oct. 2, 1986	Columbia Gas Development Corp., P.O. Box 1350, Houston, Texas 77251-1350.	Columbia Gas Transmission Corporation, High Island Area, Blocks A-365 and A-376, Offshore Texas.	(31)	
CI86-716-000, B, Sept. 5, 1986	Viking Resources, Inc	Texas Gas Transmission Corporation, Beekman Field, Morehouse Parish, Louisiana.	(22)	
CI86-755-000, B, Sept. 25, 1986	Texaco Producing Inc., P.O. Box 52332, Houston, Texas 77052.	Trunkline Gas Company, South Thornwell Field, Area, Jefferson Davis Parish, Louisiana.	(29)	
G-5715-006, B, Oct. 6, 1986	Cabot Corporation, 550 Westlake Park, Suite 900, Houston, Texas 77079.	Northern Natural Gas Company, Section 9-T2N-R15ECM Texas County, Oklahoma.	(19)	
CI85-154-001, Sept. 26, 1986	Diamond Shamrock Offshore Partners Limited Partnership, 2001 Ross Avenue, Dallas, Texas 75201-2916.	Florida Gas Transmission Company, Matagorda Island Block 555, Offshore Texas.	(32)	

Docket No. and date filed	Applicant	Purchaser and Location	Price per Mcf	Pressure base
G-3894-024, D, Sept. 10, 1986	Arco Oil and Gas Company, Division of Atlantic Richfield Company.	Texas Eastern Transmission Corporation, Clay West and Tom Lyne Fields, Live Oak County, Texas.	[33]	
G-6629-000, D, Sept. 17, 1986	Sun Exploration and Production Co	Transcontinental Gas Pipe Line Corp., North Sun Field, Starr County, Texas.	[34]	

[1] Property sold to Texaco, Inc.
[2] Property sold to Resource Exploration Group, Ltd.
[3] Property sold to Ted N. Harper.
[4] Property sold to Champlin Petroleum Company.
[5] Property sold to Robert H. Nobles.
[6] Property sold to Kamlok, Inc.
[7] Property sold to R. C. Hagens.
[8] Property sold to K & L Exploration, Inc.
[9] No production.
[10] Transwestern has discontinued compressing gas produced from the Campbell "A" #6. The rollover contract terminated on 1-18-85.
[11] By assignment dated 3-24-86, effective 4-1-86, Texaco Producing Inc. assigned all of its rights under the 6-1-60 contract to Vernon E. Faulconer, Inc.
[12] Ceased production and rollover contract terminated 12-14-85.
[13] Deletion of acreage. ARCO has sold all its interest covered by its certificate to Kenneth W. Cory, by Assignment 5-1-86.
[14] Whaley Gas Unit sold effective 8-1-86, to Marshall Exploration, Inc.
[15] Uneconomical to produce. By letter received October 6, 1986, Applicant seeks that the wells have been or are being plugged.
[16] For use in gas lift operations at platform in immediate vicinity.
[17] Applicant is filing for a certificate to cover their interest previously covered by Conoco's Rate Schedules Nos. 301 and 424.
[18] Production ceased, lease expired and wells have been plugged.
[19] To release gas for irrigation fuel.
[20] Effective 8-1-85, Union Texas Petroleum Corporation sold a portion of the acreage to John H. Hendrix Corporation.
[21] Effective 11-1-85, Union Texas Petroleum Corporation assigned the acreage to States, Inc. and Stirling Oil and Gas Company.
[22] Applicant requests to abandon 92% to 95% of the deliverability from the CV RA SUC of the O. E. Montgomery #1 well in order to sell such gas to TXG Gas Marketing Company.
[23] The only producing well was plugged and abandoned in August 1985. The field has been depleted.
[24] Natural Gas Pipeline Company has transportation facilities in the immediate area but has refused to connect the well and take the gas. Seller has the opportunity to connect to an intrastate market and begin selling gas on an immediate basis.
[25] Petroleum Equities has acquired this lease from the Sun under partial assignment from Sun. Sun disconnected from their system, therefore, Petroleum Equities is unable to deliver to Tennessee.
[26] Partial release of certain acreage in lieu of development.
[27] The Peterson "A" 1 well has been permanently plugged and abandoned. The A.G. Hood has been sold and assigned to Pan-Ok Production Company.
[28] Well permanently abandoned.
[29] Acreage released.
[30] Not used.
[31] Applicant is filing under contract dated 9-19-86.
[32] Applicant is filing for a change in delivery point.
[33] By assignment dated 6-4-68, Arco assigned certain of its interest to Mitchell & Mitchell Properties, Inc.
[34] Property sold to Ken Perkins Oil and Gas, Inc.
Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 86-23734 Filed 10-20-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP86-582-000]

Natural Gas Pipeline Company of America; Informal Settlement Conference

October 4, 1986.

Informal settlement conferences in this proceeding were held on September 3, 1986 and September 25, 1986. Take notice that the informal settlement conference will be continued in this proceeding at 10:00 a.m. on October 21, 1986, at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. The purpose of the informal settlement conference is to consider the application filed by Natural Gas Pipeline Company of America on June 23, 1986, pursuant to section 7 of the Natural Gas Act. Notice of the application was issued on July 17, 1986.

In its application, Natural requested an Order No. 436 blanket certificate authorizing it to offer transportation of gas on both a firm and interruptible basis and an interruptible storage and balancing service. Natural also requested temporary implementation of its interruptible transportation and storage balancing proposals pending Commission review of the entire application.

Parties to this proceeding and Commission Staff are invited to attend; however, attendance will not confer party status. Persons wishing to become parties must file a motion to intervene pursuant to the Commission's Rules of Practice and Procedure (18 CFR 385.214 (1985)) and have their motion granted.

For additional information, contact Carmen Gastilo, (202) 357-5354 or Dennis H. Melvin (202) 357-8076.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-23730 Filed 10-20-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP83-128-001]

Pacific Interstate Transmission Co.; Request for Accounting Treatment

October 16, 1986.

Take notice that on September 5, 1986, Pacific Interstate Transmission Company (Pacific Interstate) filed a request for ruling on the appropriate accounting treatment to reflect settlement of a civil judgment. This petition renews a request originally filed on May 17, 1983,[1] in which Pacific Interstate sought permission from the Commission to account for the amount of the judgment plus court ordered interest in Account No. 186, and to transfer said amounts into Account No. 101 upon resolution of the appeal. The Commission was also asked to rule on the appropriate accounting treatment for said amounts. In an order issued October 5, 1983, the Commission reserved decision on the transfer of funds to Account No. 101 and the specific appropriate accounting treatment, stating that the issues were not ripe for adjudication.[2]

Pacific Interstate asks that the Commission grant whatever waivers are necessary for the Commission to approve its renewed request for account treatment, to be effective retroactively to September 1, 1986.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before October 31, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

[1] Docket No. RP83-128-000 (1983).

[2] 25 FERT ¶ 61,017 (1983).

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-23731 Filed 10-20-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-1-000 et al.]

Petro-Lewis Corp. et al.; Application

October 15, 1986.

Take notice that on October 1, 1986, Petro-Lewis Corporation (PLC) of P.O. Box 2250, Denver, Colorado 80201, on its own behalf and on behalf of its corporate affiliate Partnership Properties Co., filed an Application pursuant to Section Section 7(c) of the Natural Gas Act and §157.23 *et seq.*, of the Commission's Regulations for a certificate of public convenince and necessity authorizing the sale of its working interest in natural gas now produced and sold to El Paso Natural Gas Company (El Paso) by Conoco Inc. (Conoco) from wells located in the San Juan Basin Area of the State of New Mexico, which is on file with the Commission and open inspection.

By four Assisgnment, Bills of sale and Conveyances effective as of January 1, 1983, PLC and its corporate affiliate acquired through purchase 26% of Conoco's working interest in sales of gas made to El Paso by Conoco from wells in the San Juan Field, Rio Arriba and San Juan Counties, New Mexico. PLC now seeks the necessary certificate authority to continue in its own right the sales of its working interest in gas previously sold and delivered to El Paso under the Conoco rate schedules and certificates listed on the attached "Apendix".

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 28, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements fo the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Appendix

Petro-Lewis Docket Nos.	Conoco certificate docket no.	Conoco FERC rate schedule No.
CI87-1-000	G-3783	241
CI87-2-000	G-3783	242
CI87-3-000	CI61-1249	ARCO #512
CI87-4-000	CI64-1288	259
CI87-5-000	CI64-1294	266
CI87-6-000	CI64-1295	267
CI87-7-000	CI64-1308	268
CI87-8-000	CI64-1299	273
CI87-9-000	CI64-1300	274
CI87-10-000	CI64-1303	277
CI87-11-000	CI65-187	287
CI87-12-000	CI65-854	295
CI87-13-000	CI65-997	296
CI87-14-000	CI68-164	332
CI87-15-000	CI68-227	334
CI87-16-000	CI68-1145	336
CI87-17-000	CI68-1255	339
CI87-18-000	CI68-1313	340
CI87-19-000	CI69-906	345
CI87-20-000	CI72-450	Ladd #57
CI87-21-000	CI73-247	389
CI87-22-000	CI73-938	406
CI87-23-000	CI76-98	422
CI87-24-000	CI77-795	442
CI87-25-000	CI78-450	448
CI87-26-000	CI78-528	449
CI87-27-000	CI78-527	450

[FR Doc. 86-23727 Filed 10-20-86 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-51-000]

Republic Production Company of Texas et al., Application for Abandonment of Service

October 15, 1986.

Take notice that the Applicant listed herein has filed an application pursuant to section 7 of the Natural Gas Act for authorization to abandon service as described herein.

The circumstances presented in the application meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promulgated by Order No. 436 and 436-A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85-1-000, all as more fully described in the application which is on file with the Commission and open to public inspection.

Accordingly, any person desiring to be heard or to make any protest with reference to said application should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purechaser and location	Price per Mcf	Pressure base
CI87-51-000, B, Oct. 7, 1986	Republic Production Company of Texas, et al.[1]	United Gas Pipe Line Company, Crescent Farms Field, Terrebonne Parish, Louisiana.	([2])	

[1] *Et al.* Parties are Sabine Corporation, H. Edward Dobroski, J. David Jefcoat, United Petroleum Corporation, Interstate Production Company, E. W. Rose, III, Sang Woo Ahn and Lyon Securities, Inc.

[2] Republic Production Company of Texas, a small producer certificate holder in Docket No. CS73-588, requests on behalf of itself and certain working interest co-owners, an abandonment of certain sales to United. Applicants state that United has not taken any gas since they acquired the subject interests effective December 31, 1985, and the wells are shut-in; therefore they are subject to substantially reduced takes without payment. Applicant states that the two wells involved are the A. T. Giroir, *et al.*, Well No. 1, which qualifies for the NGPA 106(a) rate and is now essentially depleted, and the A. T. Giroir, *et al.*, Well No. 2, for which NGPA 103 determination has been filed but not yet acted upon by the state and which has tested at a rate of 3,900 Mcf/d. Applicant states that United has agreed to release the gas and will transport the gas in consideration for a release from any take-or-pay obligation. Applicants state that they require the authorization without further delay to preserve the leasehold interests and request action on or before October 15, 1986. Applicant proposes to sell gas to alternative markets at market-clearing prices.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 86-23728 Filed 10-20-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. IR-000-484, et al.]

Seminole Electric Corp., Inc., et al.; Errata Notice to Notice of Requests for Waiver

October 16, 1986.

In the matter of Seminole Electric Cooperative, Inc.; Central Florida Electric Cooperative, Inc.; Glades Electric Cooperative, Inc.; Lee County Electric Cooperative, Inc.; Okefenoke Rural Electric Membership Corporation; Peace River Electric Cooperative, Inc.; Sumter Electric Cooperative, Inc.; Suwanee Valley Electric Cooperative, Inc.; Talquin Electric Cooperative, Inc.; and Tri-County Electric Cooperative, Inc., Docket No. IR-000-484, and Clay Electric Cooperative, Inc., Docket No. IR-000-320, and Withlacoochee River Electric Cooperative, Inc., Docket No. IR-000-877.

On August 22, 1986, Seminole Electric Cooperative, Inc., *et al.* (Applicants) filed with the Federal Energy Regulatory Commission (Commission) requests for waiver of certain obligations imposed on Applicants under §§ 292.303(a) and 292.303(b) of the Commission's Regulations (18 CFR Part 292 Subpart C). A Notice of Requests for Waiver was published in the **Federal Register** issue of September 26, 1986, on page 34242.

The Applicants notice of request for waiver was inadvertently treated as an application for waiver of the requirements of § 292.303(a) only rather than of §§ 292.303(a) and 292.303(b) of the Commission's regulations under 18 CFR Part 292 Subpart C. Add the following to the Notice of Requests for Waiver.

Seminole Electric Cooperative, Inc., has requested a waiver from § 292.303(b) of the Commission's regulations (18 CFR Part 292 Subpart C) which would require Seminole to make retail sales to qualifying facilities. Seminole and its Members in their implementation plan have provided that members will sell supplementary, interruptible, back-up and maintenance power to qualifying facilities, upon request, at rates that are non discriminatory, just and reasonable, and in the public interest.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-23732 Filed 10-20-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP86-57-000]

Shell Western E&P, Inc.; Petition for Declaratory Order

October 16, 1986.

Take notice that on September 15, 1986, Shell Western E&P, Inc. (Shell) filed with the Commission a petition for a declaratory order udner Rule 207 of the Commision's rules of practice and procedure. Shell seeks a ruling that the Natural Gas Act (NGA) and the Natural Gas Policy Act of 1978 (NGPA) permit it to physically replace Btu's extracted in its processing plants with gas supplies not subject to price controls under the NGPA and seeks approval of a proper method of accounting.

Shell states that it produces gas of various NGPA price categories which is sold at the wellhead and commingled before entering Shell's gas processing plants in Louisiana. During the processing of the gas, its Btu content is reduced as liquids and liquifiables are removed and certain amounts are used as plant fuel. This is known as plant volume reduction (PVR). When the price of the liquid hydrocarbons falls below the price of a category of unprocessed gas the processing plant may be by-passed so that gas may be delivered directly to the pipeline. When the price of the liquids and liquifiables falls below the weighted average price of the entire gas stream flowing through the plant, the plant may be shut down. Additional difficulties arise due to the volatility of prices for extracted liquids. Operating the plants involves substantial lead times for start-up and shut-down and intermittent operation can cause physical problems for the downstream pipeline.

Shell states that a number of its plants have been shut down and that it is faced with the prospect of the imminent closing of some or all of its other processing plants. To remedy this, Shell proposes that it be allowed to replace the PVR with decontrolled gas which it produces itself, obtains from an affiliate, or purchases on the spot market. By this method, Shell hopes to be able to make gas processing more economical and states that it will not cause any harm to purchasers. Shell also proposes three separate means for accounting for the gas and seeks Commission approval of its accounting procedures.

Any person desiring to be heard or to protest this petition should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with the requirements of Rule 214 or 211 of the Commission's rules of practice and procedure. Motions to intervene or protest should be filed not later than 15 days following publication of this notice in the **Federal Register.** All protests filed will be considered by the Commission but will not make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-23733 Filed 10-20-86; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures to be followed in refunding to adversely affected parties $353,339 obtained as a result of a consent order which the DOE entered into with Lockheed Air Terminal, Inc., a reseller of aviation fuel located in Burbank, California. The money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Applications for refund of a portion of the Lockheed consent order fund must be filed in duplicate and must be received on or before January 20, 1987. All applications should refer to Case Number HEF-0117 and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Nancy L. Kestenbaum, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252-6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision sets forth procedures and standards that the DOE has formulated to distribute to adversely affected parties $353,339 plus accrued

interest obtained by the DOE under the terms of a consent order entered into with Lockheed Air Terminal, Inc. The funds were provided to the DOE by Lockheed to settle all claims and disputes between the firm and the DOE regarding the manner in which the firm applied the federal price regulations with respect to its sales of aviation fuel during the period January 1, 1974 through December 31, 1975. A Proposed Decision and Order tentatively establishing refund procedures and soliciting comments from the public concerning the distribution of the Lockheed consent order funds was issued on December 13, 1985. 50 FR 51930 (December 20, 1985).

The DOE has decided to accept Applications for Refund from firms and individuals who purchased aviation fuel from Lockheed. OHA has decided that a two-stage refund process be followed. In the first stage, OHA has determined that a portion of the consent order funds should be distributed to 40 first purchasers who may have been overcharged. In order to obtain a refund, each claimant must either submit a schedule of its monthly purchases from Lockheed or submit a statement verifying that it purchased aviation fuel from Lockheed and is willing to rely on the data in the audit files. Certain firms must also make specific demonstrations of injury. In addition, applications for refund will be accepted from purchasers not identified by the DOE audit. These purchasers must provide specific documentation concerning the date, place, price, and volume of product purchased, the name of the firm from which the purchase was made, and the extent of any injury alleged. An applicant claiming $5,000 or less, however, will be required to document only its purchase volumes.

As the Decision and Order published with this Notice indicates, applications for refunds may now be filed by customers who purchased aviation fuel from Lockheed during the consent order period. Applications will be accepted provided they are received no later than 90 days after publication of this Decision and Order in the **Federal Register.** The specific information required in an Application for Refund is set forth in the Decision and Order.

Dated: October 14, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

October 14, 1986.

Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Name of firm: Lockheed Air Terminal, Inc.

Date of filing: October 13, 1983.

Case No.: HEF-0117.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. On October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order entered into with Lockheed Air Terminal, Inc. (Lockheed).

I. Background

Lockheed is a "reseller" of aviation fuel as that term was defined in 10 CFR 212.31 and is located in Burbank, California. Based on an audit of Lockheed's records, ERA issued a Notice of Probable Violation (NOPV) in which it alleged that Lockheed had committed possible violations of the Mandatory Petroleum Price Regulations. 10 CFR Part 212, Subpart F. The NOPV specifically alleged that during the period January 1, 1974 through December 31, 1975, Lockheed had violated the mandatory price regulations in its sales of aviation fuel.

In order to settle all claims and disputes between Lockheed and the DOE regarding the firm's sales of aviation fuel during the period covered by the NOPV, Lockheed and the DOE entered into a consent order on May 11, 1981. The consent order refers to ERA's allegations of overcharges, but notes that there was no finding that violations occurred. In addition, the consent order states that Lockheed does not admit that it violated the regulations.

Under the terms of the consent order, Lockheed agreed to deposit $328,024 plus installment interest into an interest-bearing escrow account for ultimate distribution by the DOE. This sum represents 35.7 percent of the overcharges alleged in the NOPV. Lockheed was required to make its payments in 12 equal monthly installments. The consent order was paid in full on March 12, 1982. Including installment interest, Lockheed's actual deposits total $353,339. This figure will be considered to be the principal amount available for distribution in this proceeding.[1]

[1] As of August 31, 1986, the Lockheed escrow account contained a total of $565,153, including $211,814 in accrued interest.

On December 13, 1985, the OHA issued a Proposed Decision and Order (PD&O) setting forth a tentative plan for the distribution of refunds to parties that can make a reasonable demonstration of injury as a result of Lockheed's alleged violations in its sales of aviation fuel during the consent order period. 50 FR 51,930 (December 20, 1985). The PD&O stated that the purpose of the special refund proceeding is to make restitution for injuries which resulted from the alleged pricing violations.

In order to give notice to all potentially affected parties, a copy of the Proposed Decision was published in the **Federal Register** and comments regarding the proposed refund procedures were solicited. Copies were also sent to various service station dealers' associations. None of Lockheed's customers submitted comments on the proposed procedures. Comments were submitted on behalf of the State of California, and collectively on behalf of the States of Arkansas, Delaware, Iowa, Kansas, Louisiana, North Dakota, Rhode Island, and West Virginia. Those comments concern the distribution of any funds remaining after all refunds have been made in the first stage of this proceeding.

The PD&O proposed that 50 percent of any funds remaining in the escrow account after all first stage refunds were made be distributed to the State of California. The bases for this proposal was the fact that all of Lockheed's sales were made in California and approximately half of its identified customers were located in that state. However, the PD&O stated that this proposal was subject to modification, primarily based upon the claims and locations of any unidentified purchasers. In this Decision, we will establish the procedures for filing and processing claims in the first stage of the Lockheed refund proceeding. However, the procedures for the disposition of any monies remaining after first stage refunds cannot be established until the first stage is completed. *See Office of Enforcement,* 9 DOE ¶ 2,508 (1981). Therefore, we will not address the comments of the states at this time.

II. Refund Procedures

The procedural regulations of the DOE set forth general guidelines to be used by OHA in formulating and implementing a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to identify readily those persons who likely were injured by

alleged overcharges or to ascertain readily the amount of such persons' injuries. For a more detailed discussion of Subpart V and the authority of OHA to fashion procedures to distribute refunds, *see Office of Enforcement,* 9 DOE ¶ 82,508 (1981), and *Office of Enforcement,* 8 DOE ¶ 82,597 (1981) (*Vickers*).

As in other Subpart V cases, the distribution of refunds should take place in two stages. In the first stage, we will attempt to provide refunds to identifiable purchasers of aviation fuel that were injured by Lockheed's alleged pricing practices between January 1, 1974 and December 31, 1975 (the consent order period). Any funds that remain after all meritorious first-stage claims have been paid may be distributed in a second-stage proceeding. *See, e.g., Office of Special Counsel,* 10 DOE ¶ 85,048 (1982) (*Amoco*).

A. *Refunds to Identified Purchasers.*—In order to recompense parties who were injured as a result of these alleged violations of the DOE regulations, we will rely in part upon the information developed by the ERA in its audit of Lockheed. *See, e.g., Marion Corp.,* 12 DOE ¶ 85,014 (1984) (Marion). With this type of material, a reasonably precise determination can be made as to the identity of possibly overcharged parties and the level of any overcharges.

The DOE audit identified 40 direct customers of Lockheed that were allegedly overcharged in purchases of aviation fuel. In previous cases of this type, we have proposed that the funds in the escrow account be apportioned among the purchasers identified by the audit, and other as yet unidentified customers that may have been injured by purchases from the consent order firm. *See, e.g., Bob's Oil Co.,* 12 DOE ¶ 85,024 (1984); *Richards Oil Co.,* 12 DOE ¶ 85,150 (1984). The first purchasers identified by the audit, and the portion of the consent order fund which was allotted to each customer by ERA, are listed in the Appendix.[2] The remaining $90,099, plus accrued interest, will be reserved for customers who are as yet unidentified.

We are adopting certain presumptions which will be used to help determine the level of a purchaser's injury. Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. 10 CFR 205.282(e). The presumptions we plan to adopt in this case are used to permit claimants to participate in the refund process without incurring inordinate expenses and to enable OHA to consider the refund applications in the most efficient way possible in view of the limited resources available.

We presume that purchasers of Lockheed aviation fuel seeking small refunds were injured by Lockheed's pricing practices. Under the small-claims presumption, if a refund is below a certain sum a reseller- or retailer-claimant will not be required to make a detailed showing of injury other than evidence of the volumes of aviation fuel that the claimant purchased from Lockheed. In this case, $5,000 is a reasonable value for the threshold. *See Texas Oil & Gas Corp.,* 12 DOE ¶ 85,069 at 88,210 (1984); *Office of Special Counsel,* 11 DOE ¶ 85,226 *(1984)* (*Conoco*), and cases cited therein.

A reseller or retailer which claims a refund in excess of $5,000 will be required to provide detailed documentation of its injury. While there are a variety of methods by which a firm can make such a showing, a firm is generally required to demonstrate that it maintained a "bank" of unrecovered costs. In addition, reseller and retailer claimants must show that market conditions would not permit them to pass through those increased costs.[3] In general, firms can attempt to make the latter showing by furnishing the monthly weighted average prices that Lockheed charged them in its sales of aviation fuel. These figures will be compared with local market average figures to determine the extent to which they may have experienced injury.

We will distribute a portion of the escrow funds to the firms listed in the appendix to this Decision, provided that they file Applications for Refund and make any necessary demonstrations of injury. Refunds will be authorized for those firms in the amounts indicated, plus accrued interest to the date they receive refunds.

B. *Refunds to Unidentified Purchasers.*—As noted above, this Decision concerns the distribution of the entire $353,339 that Lockheed deposited into the escrow account, plus accrued interest to date. Since the settlement amount tentatively allotted to identified purchasers total only $263,240, the remaining portion of the Lockheed consent order funds may be distributed among first purchasers other than those identified by the ERA audit as well as to subsequent repurchasers that may have been injured by the alleged overcharges. To assist potential claimants in deciding whether to apply for a refund, we will use the small-claims presumption discussed above. In addition, we will adopt a presumption that the alleged overcharges allotted to unidentified purchasers were dispersed equally among all sales of aviation fuel made by Lockheed to those customers during the consent order period. In the absence of better information, this presumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. However, we also recognize that the impact on an individual purchaser could have been greater, and any purchaser may file a refund application based on a claim that it incurred a disproportionate share of the alleged overcharges. *See, e.g., Sid Richardson Carbon & Gasoline, Co., and Richardson Products Co./ Siouxland Propane Co.,* 12 DOE ¶ 85,054 at 88,164 (1984), and cases cited therein.

Under the volumetric method, a claimant that was not identified by the ERA audit will be eligible to apply for a refund equal to the number of gallons of Lockheed aviation fuel that it purchased times the volumetric factor. The volumetric factor is the average per gallon refund and in this case equals $0.00784 per gallon.[4] In addition, successful claimants will receive a proportionate share of the accrued interest.

If a reseller or retailer made only spot purchases, we propose that it should not receive a refund since it is unlikely to have been injured. As we have previously stated with respect to spot purchasers:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

Vickers, 8 DOE at 85,396–97. Firms which made only spot purchases from Lockheed will not receive refunds unless they present evidence which rebuts the spot purchaser presumption and

[2] The amounts listed in the Appendix were prorated to reflect the consent order settlement amount as well as the installment interest remitted by Lockheed.

[3] Resellers or retailers who claim a refund in excess of $5,000 but who cannot establish that they did not pass through the price increases will be eligible for a refund of up to the $5,000 threshold, without being required to submit further evidence of injury. Firms potentially eligible for greater refunds may choose to limit their claims to $5,000. *See* Vickers, 8 DOE at 85,396. *See also* Office of Enforcement, 10 DOE ¶ 85,029 at 88,125 (1982) (Ada).

[4] This figure was derived by dividing the remaining $90,099 available for distribution to unidentified Lockheed customers by 11,495,256 gallons, which represents an estimate of the total sales volumes to those unidentified firms during the consent order period.

establishes the extent to which they experienced injury.

As noted above, we find that end users whose business operations are unrelated to the petroleum industry were injured by the alleged overcharges. These entities were not subject to DOE regulations during the relevant period, and are thus outside our inquiry about pass-through of overcharges. *See Office of Enforcement,* 10 DOE ¶ 85,072 (1983) (*PVM*); *see also Texas Oil & Gas Corp.,* 12 DOE at 88,209, and cases cited therein. Therefore, for end users of aviation fuel sold by Lockheed, documentation of purchase volumes will provide a sufficient showing of injury.

In addition, firms whose prices for goods and services are regulated by a governmental agency or that operate under the terms of a cooperative agreement will not be required to demonstrate that they absorbed the alleged overcharges associated with Lockheed's sales of aviation fuel. *See, e.g., Office of Special Counsel,* 9 DOE ¶ 82,539 (1982) *(Tenneco), and Office of Special Counsel,* 9 DOE ¶ 82,545 at 85,244 (1982) *(Pennzoil).* Those firms should provide with their applications a full explanation of the manner in which refunds would be passed through to their customers and of how the appropriate regulatory body or membership group will be advised of the applicant's receipt of any refund money. Sales by cooperatives to nonmembers, however, will be treated the same as sales by any other reseller.

As in previous cases, only claims for at least $15 will be processed. This minimum has been adopted in prior refund cases because the cost of processing claims for refunds of less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.,* 9 DOE at 85,225. *See also* 10 CFR 205.286(b). The same principle applies here.

III. Applications for Refund

We have determined that by using the procedures described above, we can distribute the Lockheed consent order funds as equitably and efficiently as possible. Accordingly, we will now accept applications for refund from individuals and firms who purchased aviation fuel from Lockheed between January 1, 1974 and December 31, 1975.

Any purchaser claiming a portion of the consent order funds will be required to file an Application for Refund pursuant to 10 CFR 205.283. In its application, a claimant identified by ERA must submit either a schedule of its monthly purchases of aviation fuel from Lockheed during the consent order period or a statement verifying that it purchased aviation fuel from Lockheed and is willing to rely on the data in the audit file. A purchaser not identified by the ERA audit will be required to provide specific information as to the date, place, and volume of aviation fuel purchased as well as the name of the firm from which the purchase was made. All applicants, whether identified or unidentified, should also provide all relevant information necessary to support their claims in accordance with the presumptions and findings outlined above. A claimant must also state whether it has previously received a refund, from any source, with respect to the alleged overcharges underlying this proceeding. Each applicant must also state whether there has been a change in ownership of the firm since the audit period. If there has been a change in ownership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than to the other owners or provide a signed statement from the other owners indicating that they do not claim a refund. Finally, an applicant should report whether it is or has been involved as a party in DOE enforcement or private actions filed under section 210 of the Economic Stabilization Act. If these actions have been concluded the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must keep OHA informed of any change in status while its Application for Refund is pending. *See* 10 CFR 205.9(d).

Finally, each application must include the following statement: "I swear [or affirm] that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c); 18 U.S.C. 1001. All applications must be filed in duplicate and must be received within 90 days from the date of publication of this Decision and Order in the **Federal Register.** A copy of each application will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals. Any applicant which believes that its application contains confidential information must indicate this and submit two additional copies of its application from which the information has been deleted. All applications should refer to Case No. HEF-0117 and should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585.

It Is Therefore Ordered That:

(1) Applications for refunds from the funds remitted to the Department of Energy by Lockheed Air Terminal, Inc. pursuant to the consent order executed on May 11, 1981, may now be filed.

(2) All applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register.**

Dated: October 14, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

Appendix

Lockheed Air Terminal, Inc.

First purchaser	Share of settlement [1]
Air California, 3636 Birch Street, Newport Beach, CA 92660	$46,891
Air France, 1350 Avenue of the Americas, New York, NY 10019	453
Airlift International, Inc., Post Office Box 90696, International Airport, Los Angeles, CA 90009	180
Air New Zealand, Ltd., 9841 Airport Boulevard, Los Angeles, CA 90045	352
Air South, Inc., 230 North Dale Street, Fullerton, CA 92633	70
Republic Airlines, Inc., 7500 Airline Drive, Minneapolis, MN 55450	17,919
American Airlines, Inc., Post Office Box 61616, Dallas/Ft. Worth Airport, TX 75261	2,232
Ansett Airlines of Australia, Ltd., 10881 La Tuna Canyon Road, Sun Valley, CA 91352	719
Aspen Airway, Inc., Hangar 5, Stapleton International Airport, Denver, CO 80207	1,583
Atlantic Richfield Company, 515 South Flower Street, Los Angeles, CA 90071	184
Boeing Company, Post Office Box 3707, Seattle, WA 98124	7,634
Braniff International, Post Office Box 61747, Dallas/Ft. Worth Airport, TX 75261	373
CP Air, 1 Grant McConachie Way, Vancouver, BC V7B 1V1	83
China Airlines, 391 Sutter Street, San Francisco, CA 94108	152
Continental Airlines, Inc., International Airport, Los Angeles, CA 90009	42,490
Curtiss-Wright Corporation, 15910 Ventura Boulevard, Encino, CA 91436	156
Douglas Aircraft Company, 3855 Lakewood Boulevard, Long Beach, CA 90846	2,928
Eastern Airlines, Inc., International Airport, Miami, FL 33148	968
Federal Express Corporation, Post Office Box 727, Memphis, TN 38194	4,240
Flying Tigers, Post Office Box 92935, International Airport, Los Angeles, CA 90009	318
Frontier Airlines, Inc., 8250 Smith Road, Denver, CO 80207	372
General Electric, 3135 Easton Turnpike, Fairfield, CT 06431	3,136
Gibbs Flying Service, Inc., 7245 Clybourn Avenue, Sun Valley, CA 91352	1,932
Golden West Airlines, Post Office Box 1877, Newport Beach, CA 92663	2,580
Hawaiian Airlines, Post Office Box 30008, Honolulu, HI 96820	505
Holiday Airways, Inc., 12421 Littler Place, Granada Hills, CA 91344	1,742
Hydro-Aire, Post Office Box 7722, Burbank, CA 91510	142
Mexicana Airlines, 9841 Airport Boulevard, Los Angeles, CA 90045	118
Northwest Airlines, Inc., Minneapolis/St. Paul International Airport, St. Paul, MN 55111	129
Overseas National Airways, Inc., JFK International Airport, Jamaica, NY 11430	60
Pan American World Airways, Inc., 200 Park Avenue, New York, NY 10166	72
Pacific Southwest Airlines, 3225 North Harbor Drive, San Diego, CA 92101	22,807
Pacific Western Airlines, Ltd, 700 Second Street, S.W., Calgary, AB T2P 2W1	615
Scandinavian Airlines System, 138-02 Queens Boulevard, Jamaica, NY 11435	107

First purchaser	Share of settlement [1]
Trans Continental Airlines, Inc., Willow Run Airport, Post Office Box 839, Ypsilanti, MI 48197	167
Transamerica Airlines, Inc., Airport Station, Post Office Box 2504, Oakland, CA 94614	3,731
Trans World Airways, Inc., 605 Third Avenue, New York, NY 10016	2,843
United Airlines, Inc., Post Office Box 66100, Chicago, IL 60666	78,585
Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591	282
Defense Logistics Agency, Defense Fuel Supply Center, Office of Counsel, Room 8B260, Cameron Station, Alexandria, VA 22304-6160	13,408
Total Escrow to Identifiable First Purchasers	263,240
Total Escrow to Unidentifiable First Purchasers	90,099
Total Escrow amount	353,339

[1] This figure includes the share of installment interest. It does not include accrued interest. See footnote 2 to this Decision Order.

[FR Doc. 86-23696 Filed 10-20-86; 8:45 am]
BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of $437,920 obtained as a result of a Consent Order which the DOE entered into with Petroleum Heat and Power Co., Inc. (PH&P), a reseller-retailer of refined petroleum products located in Stamford, Connecticut. The money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Applications for refund of a portion of the PH&P consent order fund must be filed in duplicate and must be received within 90 days of publication of this notice in the **Federal Register.** All applications should refer to Case Number HEF-0150 and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Walter J. Marullo, Office of Hearings and Appeals,, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision relates to a Consent Order entered into by the DOE and Petroleum Heat and Power Co., Inc. (PH&P) which settled all claims and disputes between PH&P and the DOE regarding the manner in which the firm applied Mandatory Petroleum Price Regulations with respect to its sales of No. 2 heating oil during the period November 1, 1973, through June 30, 1974 (consent order period). A Proposed Decision and Order tentatively establishing refund procedures and soliciting comments from the public concerning the distribution of the PH&P consent order fund was issued on April 4, 1986. 51 FR 12914 (April 16, 1986).

The Decision sets forth procedures and standards which the DOE has formulated to distribute the contents of the escrow account funded by PH&P pursuant to the Consent Order. The DOE has decided to accept Applications for Refund from firms and individuals that purchased No. 2 heating oil sold by PH&P during the consent order period, provided that they have not already received direct refunds from the firm. Eligible applicants include indirect customers as well as first purchasers. In order to apply for a refund, a claimant will be required to submit a schedule of its monthly purchases of PH&P No. 2 heating oil and to demonstrate that it was injured by firm's pricing practices. An indirect purchaser must also submit the name of its immediate supplier and indicate why it believes the products were originally sold by PH&P.

As the accompanying Decision and Order indicates, Applications for Refund may now be filed by customers that purchased No. 2 heating oil sold by PH&P during the period November 1, 1973, through June 30, 1974. However, customers that have already received direct refunds from PH&P are not eligible to apply for refunds in this proceeding. Applications will be accepted provided they are filed in duplicate and received no later than 90 days after publication of this Decision and Order in the **Federal Register.**

The specific information required in an Application for Refund is set forth in the Decision and Order.

Dated: October 14, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

October 14, 1986.

Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Name of firm: Petroleum Heat and Power Co., Inc.

Date of filing: October 13, 1983.

Case No.: HEF-0150.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. On October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a Consent Order entered into with Petroleum Heat and Power Co., Inc. (PH&P). This Decision and Order contains the procedures which OHA has formulated to distribute the funds received pursuant to that Consent Order.

I. Background

PH&P is a "reseller-retailer" of refined petroleum products as that term was defined in 10 CFR 212.31 and is located in Stamford, Connecticut. A DOE audit of PH&P's records revealed possible violations of the Mandatory Petroleum Price Regulations. 10 CFR Part 212, Subpart F. The audit alleged that between November 1, 1973, and June 30, 1974, PH&P committed possible pricing violations in its sales of No. 2 heating oil.

In order to settle all claims and disputes between PH&P and the DOE regarding the firm's sales of No. 2 heating oil during the period covered by the audit, PH&P and the DOE entered into a Consent Order on November 13, 1980. The Consent Order refers to ERA's allegations of overcharges, but notes that there was no finding that violations occurred. In addition, the Consent Order states that PH&P does not admit that it violated the regulations.

Under the terms of the Consent Order, PH&P agreed to make refunds amounting to $1,275,000 as follows: First, PH&P was to directly issue checks and credit memoranda totaling $1,143,267 to its end-user customers; second, in order to make restitution to its non-end-user customers, PH&P was required to deposit $131,733 into an interest-bearing escrow account for ultimate distribution by the DOE. On April 15, 1981, PH&P complied with this latter requirement by remitting $140,344.13, a sum which included interest, to the DOE. However, since the firm was unable to contact all of its end-user customers, it could not issue all of the direct refunds. In addition, some of the refund checks which PH&P did issue were never

cashed.[1] As a result, PH&P remitted an additional $297,575.87, the amount it was unable to refund to end users, to the DOE. This Decision and Order implements procedures to distribute the $437,920 received from PH&P plus the interest which has accrued on the escrow account.[2]

II. Jurisdiction and Authority to Fashion Refund Procedures

The general guidelines which OHA may use to formulate and implement a plan to distribute funds received as the result of an enforcement proceeding are set forth in 10 CFR Part 205, Subpart V. The Subpart V procedures may be used in situations where the DOE is unable either to readily identify those persons who might have been injured by any alleged overcharges or to ascertain the amount of such injuries. For a more detailed discussion of Subpart V and the authority to fashion refund procedures, *see Office of Enforcement,* 9 DOE ¶ 82,508 (1981); and *Office of Enforcement,* 8 DOE ¶ 82,597 (1981).

On April 4, 1986, OHA issued a Proposed Decision and Order (PD&O) setting forth a tentative plan for the distribution of refunds to parties that make a reasonable showing of injury as a result of the alleged overcharges in PH&P's sales of No. 2 heating oil during the consent order period. 51 FR 12914 (April 16, 1986). The PD&O stated that eligible applicants included PH&P's wholesale customers as well as end users that had not already received direct refunds from the firm.[3]

In order to give notice to all potentially affected parties, a copy of the Proposed Decision was published in the **Federal Register** and comments regarding the proposed refund procedures were solicited. In addition, copies of the PD&O were sent to various petroleum dealers' associations. Comments were submitted by PH&P and by a law firm on behalf of the States of Arkansas, Delaware, Iowa, Louisiana, North Dakota, Rhode Island, Utah, and West Virginia. The states' comments concern the distribution of any funds remaining after refunds have been made to injured parties. The purpose of this Decision is to establish procedures for filing and processing claims in the first stage of the PH&P refund proceeding. Any procedures pertaining to the disposition of any monies remaining after this first stage will necessarily depend on the size of the fund. *See Office of Enforcement,* 9 DOE at 85,055. Therefore, it would be premature for us to address the issues raised by the states' comments at this time.

PH&P's comments concern the proposal to allow end users that have not already received direct refunds to file applications in this proceeding. According to PH&P, the firm made a concerted effort in 1980 to locate end-user customers and to distribute direct refunds. PH&P is concerned that publicity attending this refund proceeding will have a negative competitive impact on the firm. PH&P also states that allowing end users to apply for refunds will effect little restitution since many of these customers purohased less than 1105 gallons of heating oil (the level of purchases necessary to receive the minimum refund of $15). The firm also postulates that many end users will not recall receiving a direct refund and, as a result, refunds will be granted to many undeserving applicants. Finally, since few end-user applicants have records of their purchases during the consent order period, the firm fears it will be deluged with requests for such information. According to PH&P, these inquiries will impose a significant cost on the firm in terms of employee time and, since it will be impossible to answer the inquiries properly, customer dissatisfaction. In summary, although PH&P has no objections to our allowing the firm's wholesale customers to apply for refunds in this proceeding, it wants the end-user escrow funds to be set aside for distribution in a second-stage proceeding.

We must reject PH&P's comments. The primary purpose of a Subpart V proceeding is to effect restitution to injured parties. The fact that PH&P could not locate many end-user customers in the past should not inhibit us from attempting to distribute refunds to them now. A second, careful attempt should be made. Even if many end-user applicants are not eligible for the minimum refund of $15, other eligible purchasers should have the opportunity to seek restitution. PH&P's concern about the possibility of our granting double refunds is also unfounded. All applicants in this proceding will have to certify that they have not received previous refunds with respect to PH&P's alleged overcharges. In addition, since the ERA audit files contain a list of the end user customers that received direct refunds, we will be able to verify the accuracy of the applications. Finally, any costs incurred by the firm in assisting applicants with requests for information stem from its signing a Consent Order with the DOE on November 13, 1980. Obviously, PH&P felt that such a settlement was in its best interest. Since we reject PH&P's comments, the refund procedures outlined in the PD&O will be adopted as proposed.

III. Refunds to Identifiable Purchasers

In the first stage of the PH&P refund proceeding, we will distribute the funds in escrow to claimants that demonstrate that they were injured by the alleged overcharges, provided that they have not already received direct refunds from the firm. In order to be eligible to receive a refund, a claimant will have to file an application and, with the three exceptions discussed below, show the extent to which injury resulted from the alleged overcharges. To the extent that any individual or firm can establish injury, it will be eligible for a share of the consent order funds.

In this case we will adopt two rebuttable presumptions as well as two findings regarding injury. These presumptions and findings have been used in many previous special refund cases. We will presume that purchasers of PH&P No. 2 heating oil that are claiming small refunds ($5,000 or less, excluding accrued interest) were injured by the alleged overcharges. In the absence of compelling material, we will also adopt a presumption that spot purchasers were not injured. In addition, we will make a finding that end-users or ultimate consumers of PH&P No. 2 heating oil whose business operations are unrelated to the petroleum industry were injured by the alleged overcharges. Finally, we will not require a detailed demonstration of injury from regulated utilities or agricultural cooperatives that purchased PH&P No. 2 heating oil and passed the alleged overcharges associated with that product through to their end-user members. Prior OHA decisions provide detailed explanations of the bases of these presumptions and findings. *E.g., Peterson Petroleum, Inc.,* 13 DOE ¶ 85,191 at 88,508–10 (1985). The rationale for their use was also fully explained in the PD&O. 51 FR 12914 at 12915–16 (April 16, 1986). These presumptions and findings will permit claimants to apply for refunds without incurring disproportionate expenses and will enable OHA to consider the refund applications in the most efficient way possible in view of the limited resources available.

A reseller or retailer which claims a refund in excess of $5,000 will be

[1] The names and addresses of two of the end-user customers that did not cash their direct refund checks are listed in the Appendix to this Decision.

[2] As of August 29, 1986, the total value of the PH&P escrow account was $664,739.20.

[3] The ERA audit file includes a list of the end-user customers that received direct refunds from PH&P. These purchasers are not eligible to apply for refunds in this proceeding.

required fully to document its injury. While there are a variety of methods by which a claimant might make such a showing, it is generally required to demonstrate (i) that it maintained a "bank" of unrecovered costs up until July 1, 1976, the date on No. 2 heating oil was decontrolled and (ii) that market conditions did not permit it to pass on the increased costs to its customers in the form of higher prices.[4] In general, an applicant can attempt to make this latter showing by submitting data concerning the weighted average purchase price that it paid PH&P during each month of the consent order period. These monthly weighted average prices will then be compared to local market averages to determine the extent to which market conditions did not allow the applicant to pass on any increased costs.

A. *Calculation of Refund Amounts.* To calculate refunds for eligible applicants, we will use a volumetric method which presumes that the alleged overcharges were spread equally over all the gallons of No. 2 heating oil sold by PH&P during the consent order period. A claimant will be eligible to receive a refund equal to the number of gallons of PH&P No. 2 heating oil that it purchased during the consent order period, times the volumetric factor. The volumetric factor is equal to the value of the consent order fund—exclusive of accrued interest—divided by the number of gallons of No. 2 heating oil estimated to have been sold by PH&P during the consent order period to customers that did not receive direct refunds. In this case the volumetric factor equals $0.013132.[5] In addition, successful claimants will receive a proportionate share of interest which has accrued on the escrow account.

We recognize that a particular purchaser could have incurred a disproportionate share of the alleged overcharges. Any purchaser that can make such a showing may file a refund application based on such a claim.

As in previous cases, only claims for at least $15 will be processed. We have found through our experience in prior refund cases that the cost of processing claims for refunds of less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.,* 9 DOE ¶ 82,541 at 85,225 (1982). *See also* 10 CFR 205.286(b). The same principle applies here. If valid claims exceed the funds available in the escrow account, all refunds will be reduced proportionately. Actual refunds will be determined after analyzing all appropriate claims.

IV. Applications for Refund

Through the procedures described above, we will be able to distribute the PH&P consent order funds as equitably and efficiently as possible. Accordingly, we will now accept Applications for Refund from individuals and firms that purchased No. 2 heating oil sold by PH&P between November 1, 1973, and June 30, 1974, provided that they have not already received direct refunds from the firm. Eligible applicants include subsequent repurchasers as well as first purchasers.

There is no specific application form which must be used. In order to apply for a refund, each claimant must submit the following information:

(1) A schedule of its monthly purchases of PH&P No. 2 heating oil during the consent order period along with any relevant information necessary to support its claim in accordance with the presumptions and findings outlined above. If the applicant was an indirect purchaser it must also submit the name of its immediate supplier and indicate why it believes the No. 2 heating oil was originally sold by PH&P;

(2) Whether the applicant has previously received a refund, from any source, with respect to the alleged overcharges identified in the ERA audit underlying this proceeding;

(3) Whether there has been a change in ownership of the firm since the audit period. If there has been a change in ownership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than to the other owners or provide a signed statement from the other owners indicating that they do not claim a refund;

(4) Whether the applicant is or has been involved as a party in any DOE enforcement proceedings or private actions filed under section 210 of the Economic Stabilization Act. If these actions have been concluded the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must keep OHA informed of any change in status while its Application for Refund is pending. *See* 10 CFR 205.9(d); and

(5) The name and telephone number of a person who may be contacted by this Office for additional information.

Finally, each application must include the following statement: "I swear [or affirm] that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c); 18 U.S.C. 1001.

All applications must be filed in duplicate and must be received within 90 days from the date of publication of this Decision and Order in the **Federal Register.** A copy of each application will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals. Any applicant that believes that its application contains confidential information must indicate this and submit two additional copies of its application from which the information has been deleted. All applications should refer to Case No. HEF-0150 and should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585.

It Is Therefore Ordered That:

(1) Applications for Refund from the funds remitted to Department of Energy by Petroleum Heat and Power Co., Inc. pursuant to the Consent Order executed on November 13, 1980 may now be filed.

(2) All applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register.**

Dated: October 14, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

APPENDIX

End user	Share of settlement*
Mrs. James C. Mellady, 37 Bronson Ave., Scarsdale, NY 10583	$11.68**
Mrs. Ilse Newman, 153-15 77th Ave., Flushing, NY 11367	16.64

*Not including accrued interest.
**As noted in the body of the Decision, we do not intend to process claims for less than $15.

[FR Doc. 86-23697 Filed 10-20-86; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

[4] Resellers or retailers that claim a refund in excess of $5,000 but which do not attempt to establish that they did not pass through the price increases will be eligible for a refund of up to $5,000 without being required to submit evidence of injury beyond purchase volumes. Firms potentially eligible for greater refunds may choose to limit their claims to $5,000. *See* Vickers, 8 DOE at 85,396. *See also* Office of Enforcement, 10 DOE ¶ 85,029 at 88,122 (1982).

[5] This figure is computed by dividing the $437,920 received from PH&P by the 33,346,310 gallons of No. 2 heating oil estimated to have been sold by PH&P during the consent order period to customers that did not receive direct refunds from the firm.

The volumetric factor stated here is different from the one indicated in the PD&O. This modification is warranted since the revised volumetric factor is based on more precise sales volume information.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for refunding to adversely affected parties $37,689.98 obtained as a result of consent orders which the DOE entered into with the following parties:

Luke Brothers, Inc. of Calera, Oklahoma;
McClure's Service Station of Salisbury, Pennsylvania;
Lucia Lodge Arco of Big Sur, California;
Earl's Broadmoor Texaco Service of Houma, Louisiana.

The funds are being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Applications for refund of a portion of any of the consent order funds must be filed in duplicate within 90 days of publication of this notice in the **Federal Register.** Applications should refer to the appropriate case number; see below. Address applications to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, with reference to the appropriate proceeding:

Luke Consent Order Proceeding (Case No. HEF–0120);
McClure's Consent Order Proceeding (Case No. HEF–0128);
Lucia Lodge Consent Order Proceeding (Case No. HEF–0119);
Earl's Consent Order Proceeding (Case No. HEF–0566).

FOR FURTHER INFORMATION CONTACT: Sharon Dennis, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision explains the procedures that the DOE has formulated to distribute to adversely affected parties the $37,689.98, plus accrued interest, that the DOE obtained under the terms of consent orders entered into with the firms listed below. The firms provided the funds to settle all claims and disputes with the DOE regarding the manner in which each firm applied the federal price regulations to its sales of refined petroleum products; specifically, sales of propane made by Luke and sales of motor gasoline made by the three service station consent order firms. The relevant information for each case is set forth below.

Name of firm	Consent order period	Settlement amount
Luke Brothers, Inc., Calera, OK.	Nov. 1, 1973–Sept. 30, 1975.	$9,000.00
McClure's Service Station, Salisbury, PA.	Apr. 1, 1979–Sept. 30, 1979.	2,683.66
Lucia Lodge Arco, Big Sur, CA.	Aug. 1, 1976–Aug. 31, 1978.	19,546.91
Earl's Broadmoor Texaco Service, Houma, LA.	Aug. 1, 1979–Oct. 26, 1980.	6,459.41

The Decision states that a two-stage refund process be followed. In the first stage, OHA has determined that a portion of the consent order funds should be distributed to individuals who purchased propane from Luke or motor gasoline from any of the three service station firms. Since all purchasers were end users of the product they purchased, all purchasers are considered to have suffered injury as a result of those purchases. Therefore, in order to document its injury, an applicant need only submit a schedule of the volumes of product purchased during the consent order period relevant to the firm from which it purchased the product.

The specific information required in an Application for Refund is set forth in the Decision and Order. Applications will be reviewed provided they are filed within 90 days of the publication of this Decision and Order in the **Federal Register.**

Dated: October 14, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

October 14, 1986.

Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Names of Firms: Luke Brothers, Inc.; McClure's Service Station; Lucia Lodge Arco; Earl's Broadmoor Texaco Service.

Dates of Filing: October 13, 1983, October 13, 1983, October 13, 1983, March 4, 1985.

Case Numbers: HEF–0120, HEF–0128, HEF–0119, HEF–0566.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. In accordance with the provisions of Subpart V, on October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with consent orders entered into with Luke Brothers, Inc. (Luke), McClure's Service Station (McClure's), and Lucia Lodge Arco (Lucia Lodge), and with Earl's Broadmoor Texaco Service (Earl's) on March 4, 1985 (hereinafter all of the companies referenced above will be collectively referred to as the consent order firms). This Decision and Order contains the procedures which the OHA has formulated to distribute the funds received pursuant to these consent orders.

I. Background

McClure's, Lucia Lodge, and Earl's are "retailers" of motor gasoline, and Luke is a "retailer" of propane, as that term was defined in 10 CFR 212.31. McClure's is located in Salisbury, Pennsylvania, Lucia Lodge in Big Sur, California, Earl's is in Houma, Louisiana, and Luke is located in Calera, Oklahoma. A DOE audit of each firm's records revealed possible violations of the Mandatory Petroleum Price Regulations. 10 CFR Part 212, Subpart F. Subsequently, each firm entered into a separate consent order with the DOE. The consent orders refer to ERA's allegations of overcharges, but note that there were no findings that violations occurred. Additionally, the consent orders state that the consenting firms do not admit that they committed violations. A brief discussion of the pertinent matters covered by each consent order follows.

The Luke consent order settles all claims and disputes between Luke and the DOE regarding Luke's compliance with the DOE's price regulations in its sales of propane during the period November 1, 1973 through September 30, 1975. The consent order, executed on May 12, 1981, required Luke to deposit $9,000 into an interest-bearing escrow account pending distribution by the DOE.[1] Luke paid the $9,000 in full on May 12, 1981.[2]

The McClure's consent order covers the period April 1, 1979 through September 30, 1979. In order to settle all claims and disputes between McClure's and the DOE regarding McClure's compliance with the DOE's price regulations in its sales of motor gasoline during the period covered by the audit, the firm entered into a consent order with the DOE on November 3, 1980. In

[1] The Luke consent order resolved violations referred to in a Remedial Order issued on October 5, 1976, and amended on April 20, 1977. The consent order represents a negotiated settlement, and the settlement amount constitutes 32.1 percent of the alleged overcharges.

[2] As of August 31, 1986, the Luke escrow account contained a total of $15,349.01, representing $9,000 in principal, and $6,349.01 in accrued interest.

accordance with the consent order, McClure's agreed to remit $2,683.66 to the DOE for deposit into an interest-bearing escrow account pending distribution by the DOE. McClure's paid the $2,683.66 in full on November 14, 1980.[3]

The Lucia Lodge consent order covers the firm's sales of motor gasoline during the period August 1, 1976 through August 31, 1978. The consent order, which was made effective on September 3, 1981, resolved a Proposed Remedial Order (PRO) issued on November 17, 1978. The consent order required that Lucia Lodge deposit $19,546.41 into an interest-bearing escrow account for ultimate distribution by the DOE. Lucia Lodge fulfilled this requirement on September 28, 1981.[4]

The period covered by the Earl's consent order runs from August 1, 1979, through October 26, 1980. To settle all claims and disputes between Earl's and the DOE concerning Earl's sales of motor gasoline during the audit period, Earl's and the DOE entered into a consent order on August 31, 1981. The terms of the consent order required Earl's to deposit $5,700, plus interest, into an interest-bearing escrow account for ultimate distribution by the DOE. Including installment interest, Earl's actual deposits total $6,459.41. That sum will be considered the principal amount in this case. Earl's completed its payments on January 10, 1983.[5]

II. Jurisdiction and Authority to Fashion Refund Procedures

The general guidelines which OHA may use to formulate and implement a plan to distribute funds received as a result of enforcement proceedings are set forth in 10 CFR Part 205, Subpart V. The Subpart V procedures may be used in situations where the DOE is unable either to readily identify those persons who might have been injured by alleged overcharges or to ascertain the amount of such injuries. For a more detailed discussion of Subpart V and the authority of OHA to fashion procedures to distribute refunds, *see Office of Enforcement,* 9 DOE ¶ 82,508 (1981), and *Office of Enforcement,* 8 DOE ¶ 82,597 (1981) (*Vickers*).

OHA issued Proposed Decisions and Orders (PD&Os) in the McClure's, Lucia Lodge and Earl's proceedings (collectively, the McClure's proceeding) on January 8, 1986, and in the Luke proceeding on November 15, 1985. 51 FR 2557 (January 17, 1986); 50 FR 48253 (November 22, 1985). The PD&Os outline tentative plans for distributing refunds to parties that show that they were injured by the alleged overcharges in the service stations' sales of motor gasoline or in Lukes' sales of propane during the respective consent order periods. The PD&Os state that the basic purpose of a special refund proceeding is to make restitution for injuries experienced as a result of actual or alleged violations of the DOE regulations.

In order to notify all potentially affected parties, copies of the Proposed Decisions were published in the **Federal Register** and comments regarding the proposed refund procedures were solicited. In addition, copies of the PD&Os were sent to various petroleum dealers' associations. No comments were received concerning the proposed procedures in either PD&O, and we will adopt them as proposed.

III. Refunds to Identifiable Purchasers

In the first stage of this proceeding, we will distribute the funds in the escrow accounts to claimants that file applications and demonstrate that they were injured by the alleged overcharges. As proposed in the PD&Os and as we have done in previous special refund cases, we will adopt a rebuttable volumetric presumption and make a specific finding regarding injury. The volumetric presumption, which will be discussed in detail in Section IV below, is used to aid us in the distribution of refund monies. In addition, we find that end-users or ultimate consumers of McClure's, Lucia Lodge and Earl's motor gasoline, as well as Luke's propane, whose business operations are unrelated to the petroleum industry were injured by the alleged overcharges. Since all of the consent order firms' customers are end-users or ultimate consumers, and since all of the escrow funds are relatively small, the consent order firms' customers need not include detailed proof of injury in their refund applications. Obviously, individual, consumer-purchasers absorbed the increased product costs, as distinguished from resellers which may have had the opportunity to pass through those costs to their own customers. *See Thornton Oil Corp.,* 12 DOE ¶ 85,112 (1984). End-users of the consent order firms' products need only document their purchase volumes from the consent order firm to make a sufficient showing that they were injured by the alleged overcharges.

Purchase documentation may be in the form of credit card or other receipts and, if no gallonage is recorded on the receipt, customers may extrapolate purchase volumes by estimating the per gallon price of the product claimed. However, we reason that many potential applicants will no longer have their receipts from purchases made so many years ago. Therefore, we will allow applicants to submit estimates of purchases accompanied by a detailed explanation of how the estimated purchase volumes were derived.[6] *Id.* at 88,330.

The volumetric presumption and end-user finding will permit claimants to apply for refunds without incurring prohibitively high expenses. Prior OHA decisions explain additional reasons for adopting the volumetric presumption and end-user finding. *E.g., Peterson Petroleum, Inc.,* 13 DOE ¶ 85,191 at 88,508–10 (1985). The rationale for their use was also fully explained in the McClure's and Luke PD&Os. 51 FR 2557 at 2,558–59 (January 17, 1986); 50 FR 48253 at 48,254–255 (November 22, 1985).

IV. Calculation of Refund Amounts

As previously stated, we will use the volumetric method to compute the refunds to eligible applicants that purchased products from the consent order firms. This method presumes that the alleged overcharges in each case were spread equally over all the gallons of motor gasoline, or propane in the case of Luke, sold by the firm throughout the consent order period. Under the volumetric method, a claimant will be eligible for a refund equal to the number of gallons of product that it purchased from the consent order firm during the consent order period times the appropriate volumetric factor. Successful claimants will also receive a proportionate share of the interest that has accrued on the appropriate escrow account. The volumetric factor, or average per gallon refund, for claimants which purchased motor gasoline from McClure's, is $0.024116 per gallon.[7] For successful applicants applying for a share of the Lucia Lodge escrow account, the volumetric factor is

[3] As of August 31, 1986, the McClure's escrow account contained $4,998.45, representing $2,683.66 in principal, and $2,314.79 in accrued interest.

[4] As of August 31, 1986, the Lucia Lodge escrow account contained $31,262.12, representing $19,546.41 in principal, and $11,715.71 in accrued interest.

[5] As of August 31, 1986, Earl's escrow account contained $7,503.16, representing $6,459.41 in principal, and $1,043.75 in accrued interest.

[6] For customers of the service stations, this information might include the type and number of vehicles owned, the number of miles driven, etc. For end-users of Luke propane who likely used the product for home-heating purposes, this information might include tank size, number of months in the year in which propane is used for heating purposes, etc.

[7] This figure was derived by dividing the $2,683.66 principal amount by the 111,283.5 gallons of motor gasoline sold by McClure's during the consent order period.

$0.044747 per gallon.[8] The volumetric factor for successful claimants from the Earl's settlement amount is $0.008058.[9] Finally, applicants applying for a share of the Luke escrow account may use the factor of $0.007030 per gallon to calculate their eligible share.[10] We recognize that a particular purchaser could have incurred a disproportionate share of the alleged overcharges. Any purchaser which can make such a showing may file a refund application based on such a claim.

As in previous cases, only claims for at least $15 plus interest will be processed. In prior refund cases we have found that the cost of processing claims for smaller amounts outweighs the benefits of restitution. *See, e.g., Uban Oil Co.*, 9 DOE at 85,225. *See also* 10 CFR 205.286(b). The same principle applies here.[11]

Our experience with similar cases concerning the distribution of refunds to customers of retail service stations leads us to believe that although many of the customers from the three consent order firms may have legitimate claims, most of these claims will fall below the $15 threshold, thus leaving most of the funds in escrow. Any funds that remain after all meritorious first stage claims have been paid may be distributed in a number of ways in a subsequent proceeding. However, this proceeding involves only first-stage refund procedures, and we will not address procedures for apportioning remaining monies since such a discussion will necessarily depend upon the size of the fund. *See Office of Enforcement*, 9 DOE at 85,055.

[8] This figure was derived by dividing the $19,546.41 principal amount by the 436,823.2 gallons of motor gasoline which the company stated it sold during the consent order period.

[9] This figure was derived by dividing the 801,568.6 gallons of motor gasoline sold by Earl's during the period covered by the consent order, into the $6,459.41 which Earl's deposited into escrow.

[10] This figure was derived by dividing the $9,000 principal amount by the 1,280,170 gallons of propane sold by Luke during the consent order period. The volume figure represents an estimate which we calculated by extrapolating available audit data.

[11] Under the volumetric method for allocating refunds in this proceeding, we calculated that a purchaser which files a claim from the McClure's escrow account must have purchased at least 600 gallons of motor gasoline from the station during the 6-month consent order period in order to qualify for the $15 refund. For purchasers which purchased motor gasoline from Lucia Lodge, the volumes of motor gasoline necessary to qualify them for the minimum refund amount is 300 gallons over the 25-month consent order period. In addition, a purchaser from Earl's must have bought 1,800 gallons over the 15-month consent order period in order to qualify for a $15 refund. Finally, applicants which purchased propane from Luke must have purchased a minimum of 2,000 gallons during the consent order period in order to qualify for the $15 refund.

If valid claims in any of these proceedings exceed the funds available in a particular escrow account, all funds in that proceeding will be reduced proportionately. Actual refunds will be determined after analyzing all appropriate claims.

V. Applications for Refund

Through the procedures process described above, we will be able to distribute the consent order funds as equitably and efficiently as possible. Accordingly, we will now accept Applications for Refund from individuals and firms that purchased motor gasoline from McClure's, Lucia Lodge or Earl's, or propane from Luke, during the respective consent order periods.

There is no specific application form which must be used. In order to receive a refund, each claimant must submit the following information:

(1) A schedule of its monthly purchases of motor gasoline from McClure's, Lucia Lodge or Earl's or propane from Luke, along with any relevant information necessary to support its claim in accordance with the presumption and findings outlined above.

(2) Whether the applicant has previously received a refund, directly or through price rollbacks, with respect to the alleged overcharges identified in the ERA audit underlying the proceeding in which it is claiming a refund;

(3) Whether there has been a change in ownership of the firm since the consent order period. If there has been a change in ownership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than the other owners or provide a signed statement from the other owners indicating that they do not claim a refund;

(4) Whether the applicant is or has been involved as a party in any DOE enforcement proceedings or private actions filed under section 210 of the Economic Stabilization Act. If these actions have been concluded the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must keep OHA informed of any change in status while its Application for Refund is pending. *See* 10 CFR 205.9(d); and

(5) The name and telephone number of a person who may be contacted by this Office for additional information.

Finally, each application must include the following statement: "I swear [or affirm] that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c); 18 U.S.C. 1001.

All applications must be filed in duplicate and must be received within 90 days of the date of publication of this Decision and Order in the **Federal Register**. A copy of each application will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals. Any applicant which believes that its application contains confidential information must indicate this and submit two additional copies of its application from which the confidential information has been deleted. All applications should refer to the appropriate case number (HEF-0120 for Luke, HEF-0128 for McClure's, HEF-0119 for Lucia Lodge, and HEF-0566 for Earl's) and should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

It Is Therefore Ordered That:

(1) Applications for Refund from the funds remitted to the Department of Energy by Luke Brothers, Inc., McClure's Service Station, Lucia Lodge Arco, and Earl's Broadmoor Texaco Service, pursuant to the consent orders executed on May 12, 1981, November 3, 1980, September 3, 1981, and August 31, 1981, respectively, may now be filed.

(2) All applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register.**

Dated: October 14, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc 86-23698 Filed 10-20-86; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to adversely affected parties $71,612 obtained as a result of consent orders which the DOE entered into with the following parties:

Keller Oil Company, Inc. of Effingham, Illinois.

Jay Oil Company of Fort Smith, Arkansas.

The funds are being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, with reference to the appropriate proceeding:

Keller Oil Company, Inc. Consent Order Proceeding (Case No. HEF-0103);
Jay Oil Company Consent Order Proceeding (Case No. HEF-0101).

All comments should conspicuously display a reference to the appropriate case number.

FOR FURTHER INFORMATION CONTACT: Nancy Kestenbaum, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252-6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision relates to consent orders which settled possible pricing violations with respect to two firms' sales of petroleum products during the consent order periods listed below. Under the terms of the consent orders, each firm remitted a specified sum of money to the DOE. Each fund is being held in an individual interest-bearing escrow account pending determination of its proper distribution.

Consent order firm	Consent order period	Consent order amount
Keller Oil Co., Inc., Effingham, IL.	May 1, 1979-Sept. 30, 1979.	$33,112
Jay Oil Co., Fort Smith, AR.	Nov. 1, 1973-Feb. 28, 1975.	$38,500

OHA proposes that a two-stage refund process be followed. In the first stage, OHA has tentatively determined that a portion of the consent order funds should be distributed to one first purchaser of Jay petroleum products who may have been overcharged. In order to obtain a refund, this claimant will be required either to submit either a schedule of the volumes of petroleum products purchased during the consent order period, or submit a statement verifying that it purchased petroleum products from Jay and is willing to rely on the data in the audit files. In addition, applications for refund will be accepted from Keller and Jay customers not identified by the DOE audits. These purchasers will be required to provide specific documentation concerning the date, place, price, and volume of product purchased, the name of the firm from which the purchase was made, and the extent of any injury alleged. Certain firms will also be required to make specific demonstrations of injury. Applications for refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Some residual funds may remain after all meritorious first-stage claims have been satisfied. OHA invites interested parties to submit their views concerning alternative methods of distributing any remaining funds in a subsequent proceeding.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice. All comments received in these proceedings will be available for public inspection between 1:00 and 5:00 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room lE-234, 1000 Independence Avenue, SW., Washington, DC 20585.

Dated: October 14, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

October 14, 1986.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Name of Firms: Keller Oil Company, Inc., Jay Oil Company

Dates of Filing: October 13, 1983, October 13, 1983

Case Numbers: HEF-0103, HEF-0101

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the DOE regulations. See 10 CFR Part 205, Subpart V. On October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with consent orders entered into with Keller Oil Company, Inc. (Keller), and Jay Oil Company (Jay) (except when individually identified, the companies will be collectively referred to as the consent order firms).

I. Background

Keller and Jay are both "reseller-retailers" of petroleum products as that term was defined in 10 CFR 212.31. Keller is located in Effingham, Illinois, and Jay is located in Fort Smith, Arkansas. A DOE audit of each firm's records revealed possible violations of the Mandatory Petroleum Price Regulations. 10 CFR Part 212, Subpart F. Subsequently, the firms entered into separate consent orders with the DOE. The consent orders refer to ERA's allegations of overcharges, but note that there were no findings that violations occurred. The consent orders also state that the consent order firms do not admit that they committed violations.

The Keller consent order covers the firm's sales of motor gasoline during the period May 1, 1979 through September 30, 1979. The consent order, which was executed on August 31, 1981, resolved a Notice of Probable Violation (NOPV) issued on March 4, 1981. The consent order fund represents 38 percent of the amount of the overcharge originally alleged in the NOPV. In accordance with the consent order, Keller agreed to remit $33,112, in 24 equal monthly installments, to the DOE for deposit into an interest-bearing escrow account pending distribution by the DOE. The first payment was received on September 11, 1981 and the last on August 22, 1983.[1]

The Jay consent order covers the period November 1, 1973 through February 28, 1975. In order to settle all claims and disputes between Jay and the DOE regarding Jay's compliance with the DOE's price regulations in its sales of motor gasoline and diesel fuel during the period covered by the audit, the firm entered into a consent order with the DOE on January 6, 1981. The consent order required that Jay deposit $77,000 into an interest-bearing escrow account for ultimate distribution by the DOE. The funds were to be paid by Jay in six equal installments of $12,833 beginning with a payment on July 1, 1981. Jay, however, has remitted only $38,500, has not made any payment since March 1982, and thus appears to have defaulted on the consent order.[2]

[1] As of August 31, 1986, the Keller escrow account contained $47,561, representing $33,112 in principal, and $14,449 in accrued interest.

[2] Because of Jay's default on the consent order agreement, ERA may initiate appropriate enforcement proceedings against the firm, or may refer the matter to the proper federal enforcement agency.

Under the circumstances, it is impossible to say when or whether Jay will fulfill its payment obligations. As a result we are not in a position to be able to make a full distribution from the escrow account. Since Jay has paid only 50 percent of the required escrow amount, we will prorate each refund until the remainder of the funds have been remitted.

II. Proposed Refund Procedures

The procedural regulations of the DOE set forth general guidelines which may be used by OHA in formulating and implementing a plan of distribution for funds received as a result of enforcement proceedings. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to identify readily those persons who might have been injured by alleged overcharges or to ascertain readily the amount of such persons' injuries. For a more detailed discussion of Subpart V and the authority of OHA to fashion procedures to distribute refunds, *see Office of Enforcement,* 9 DOE ¶ 82,508 (1981), and *Office of Enforcement,* 8 DOE ¶ 82,597 (1981) (*Vickers*).

As in other Subpart V cases, we believe that the distribution of refunds in these proceedings should take place in two stages. In the first stage, we will attempt to provide refunds to identifiable purchasers of refined petroleum products who may have been injured by the consent order firms' pricing practices during their particular consent order periods. Any funds that remain after all meritorious first-stage claims have been paid may be distributed in a second-stage proceeding. *See, e.g., Office of Special Counsel,* 10 DOE ¶ 85,048 (1982) (*Amoco*).

A. *Refunds to Identified and Unidentified Purchasers.* A special refund proceeding is designed to provide restitution to parties that were injured as a result of alleged or actual regulatory violations. We have consistently maintained that the information contained in ERA's audit files may reasonably be used to determine the identities of purchasers allegedly overcharged in the first instance and the amounts of the overcharges. *See, e.g., Marion. Corp.,* 12 DOE ¶ 85,014 (1984). In the Jay proceeding one first purchaser was identified in the material developed by the DOE during its audit of Jay. The refund assigned by ERA to this first purchaser equals $51,473, plus accrued interest. As stated, since Jay has only met half of its consent order payments, this and other refunds will be prorated accordingly. Therefore, at this time we will allot 50 percent of this amount, or $25,736.50 plus accrued interest, to this identified first purchaser.[3]

In previous cases of this type, we have proposed that the funds in the escrow account be apportioned among the purchasers identified in the audit, and other as yet unidentified customers that may have been injured by purchases from the consent order firm. *See, e.g., Bob's Oil Co.,* 12 DOE ¶ 85,024 (1984); *Richards Oil Co.,* 12 DOE ¶ 85,150 (1984). Therefore, in the Jay proceeding we will allot the remaining $12,763.50 plus accrued interest to those unidentified purchasers. No first purchasers were identified in the DOE's audit of Keller. Therefore, all of the funds in the Keller escrow account will be allowed to customers who are as yet unidentified.

As we have done in many prior refund cases, we propose to adopt certain presumptions which will be used to help determine the level of a purchaser's injury. Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. 10 CFR 205.282(e). The presumptions we plan to adopt in this case are used to permit claimants to participate in the refund process without incurring inordinate expenses and to enable OHA to consider the refund applications in the most efficient way possible in view of the limited resources available.

As an initial matter, we will adopt a presumption that the alleged overcharges committed by the consent order firms were dispersed evenly among all sales of motor gasoline made by the firms during their relevant consent order periods. In the past, OHA has used a volumetric refund amount as an equitable means of distributing funds based on this presumption. In the absence of better information, this assumption is sound because the DOE price regulations generally required accounting for increased costs on a firm-wide basis in determining maximum prices.

We recognize that the impact on an individual purchaser could have been greater than that estimated by using the volumetric factor, and any purchaser may file a refund application based on a claim that it suffered a disproportionate share of the alleged overcharges. *See Sid Richardson Carbon and Gasoline Co. and Richardson Products Co./ Siouxland Propane Co.,* 12 DOE ¶ 85,054 (1984), and cases cited therein at 88,164.

Using a volumetric approach, a successful claimant's refund is determined by multiplying a factor, known as the volumetric refund amount, by the number of gallons of petroleum products purchased by the claimant. For claimants that purchased motor gasoline from Keller, the volumetric factor is $0.00207 per gallon.[4] For claimants in the Jay proceeding, the volumetric factor is $0.0025 per gallon.[5] In addition, successful claimants will receive a proportionate share of the accrued interest.

Second, we plan to presume that purchasers of the consent order firms' products seeking small refunds were injured by the consent order firms' pricing practices. Under the small-claims presumption, if a refund is below a certain sum a reseller- or retailer-claimant will not be required to make a detailed showing of injury other than evidence of the volumes of petroleum products which the claimant purchased from the consent order firm. In this case, $5,000 is a reasonable threshold. *See Texas Oil & Gas Corp.,* 12 DOE ¶ 85,069 at 88,210 (1984); *Office of Special Counsel,* 11 DOE ¶ 85,226 (1984) *(Conoco),* and cases cited therein.

Unlike threshold claimants, an applicant which claims a refund in excess of $5,000 will be required to document its injury. A reseller will be required to demonstrate that it maintained a "bank" of unrecovered product costs.[6] In addition, a reseller claimant must show that market conditions would not permit it to pass through those increased costs. *See, e.g., Triton Oil and Gas Corporation/Cities Service Company,* 12 DOE ¶ 85,107 (1984); *Tenneco Oil Company/Mid-Continent Systems, Inc.,* 10 DOE ¶ 85,009 (1982).

We propose that retailer claimants in the Keller proceeding be subject to a different requirement for demonstrating injury than that outlined above for reseller applicants. During the July 16,

[3] The identified purchaser is Spee-Dee Mart of Fayetteville, Arkansas.

[4] This figure was derived by dividing the $33,112 principal amount by the estimated 16,000,000 gallons of motor gasoline sold by Keller during the consent order period.

[5] This figure was derived by dividing the $38,500 current principal amount by the 15,392,460 gallons of motor gasoline and diesel fuel sold by Jay during the consent order period.

[6] This injury requirement reflects the nature of the petroleum price regulations in effect beginning on August 19, 1973, and ending on July 16, 1979 for retailers, and on May 1, 1980 for resellers. Under the original rules, a reseller or retailer of motor gasoline was required to calculate its maximum lawful selling price (MLSP) by summing its selling price on May 15, 1973 with increased costs incurred since that time. A firm which was unable to charge its MLSP in a particular month could "bank" any unrecovered increased product costs, so that those costs could be recouped in a later month, if possible *See* 10 CFR 212.93; 45 FR 29546 (1980).

1979 through September 30, 1979 portion of the Keller consent order period, retailers of motor gasoline were not required to compute MLSPs with reference to May 15, 1973 selling prices and increased costs. *See* 10 CFR 212.93; 45 FR 29546 (1980). Instead, effective July 16, 1979, a retailer was required to calculate its MLSP under a fixed-margin approach set forth in the new rule. Unrecouped increased product costs could no longer be banked for later recovery. *Id.*

As a result, retailers may still file a claim for a refund which exceeds the small claim threshold even if they lack banks subsequent to July 16, 1979.[7] Retailers of Keller motor gasoline should, however, submit bank calculations from May 1, 1979 through July 16, 1979. In addition, like resellers, they must show that market conditions prevented them from recovering those increased costs. Indicators of a competitive disadvantage include a detailed description of lowered profit margins, decreased market shares, or depressed sales volumes.[8]

If a reseller or retailer made only spot purchases, we propose that it should not receive a refund since it is unlikely to have experienced injury. This is true because

> [t]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

Vickers, 8 DOE at 85,396–97. The same principles apply in this case. Accordingly, we propose that resellers and retailers which made only spot purchases from the consent order firms not receive refunds unless they present evidence which rebuts this presumption and establishes the extent to which they experienced injury.

As noted, we are proposing a finding that end user—or ultimate consumer—purchasers whose business operations are unrelated to the petroleum industry were injured by the alleged overcharges. These entities were not subject to DOE regulations during the relevant periods, and are thus outside our inquiry about the pass-through of overcharges. *See Office of Enforcement,* 10 DOE ¶ 85,072 (1983) *(PVM); see also Texas Oil & Gas Corp.,* 12 DOE at 88,209, and cases cited therein. Therefore, for end users of petroleum products sold by the consent order firms, documentation of purchase volumes will provide a sufficient showing of injury.

As in previous cases, only claims for at least $15 will be processed. We have found through our experience in prior refund cases that the cost of processing claims for refunds of less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.,* 9 DOE At 85,225. *See also* 10 CFR 205.286(b). The same principle applies here.

B. *Applications for Refund.* Any purchaser claiming a portion of the consent order funds should file an Application for Refund pursuant to 10 CFR 205.283. In its application, a claimant must include a schedule, broken down by product, of its monthly purchases from the consent order firm. Applicants should also provide all relevant information necessary to support their claim in accordance with the presumptions stated above. A claimant must also state whether it has previously received a refund, from any source, with respect to the alleged overcharges underlying these proceedings. Each applicant must also state whether there has been a change in ownership of the firm since the audit period. If there has been a change in ownership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than to the other owners or provide a signed statement from the other owners indicating that they do not claim a refund. Finally, an applicant should report whether it is or has been involved as party in DOE enforcement or private, section 210 actions. If these actions have been concluded the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must keep OHA informed of any change in status while its Application for Refund is pending. *See* 10 CFR 205.9(d).

In the event that money remains after all meritorious claims have been satisfied, residual funds could be distributed in a number of ways in a subsequent proceeding. However, we will not be in a position to decide what should be done with any remaining funds until the initial stage of this refund proceeding has been completed. We encourage the submission by interested parties of proposals which address alternative methods of distributing any remaining funds.

It Is Therefore Ordered That:

The refund amount remitted to the Department of Energy by Keller Oil Company, Inc. and Jay Oil Company pursuant to the consent orders executed on August 31, 1981 and January 6, 1981, respectively, will be distributed in accordance with the foregoing decision.

[FR Doc. 86–23699 Filed 10–20–86; 8:45 am]

BILLING CODE 6450–01–M

[7] *See* Tenneco Oil Company/United Fuels Corporation, 10 DOE ¶ 85,005 at 88,017 n.1 (1982) (Tenneco).

[8] Resellers or retailers who claim a refund in excess of $5,000 but who cannot establish that they did not pass through the price increases will be eligible for a refund of up to the $5,000 threshold, without being required to submit further evidence of injury. Firms potentially eligible for greater refunds may choose to limit their claims to $5,000. *See* Vickers, 8 DOE at 85,396. *See also* Office of Enforcement, 10 DOE ¶ 85,029 at 88,122 (1982) (Ada).

COMMITTEE ON EXECUTIVE, LEGISLATIVE AND JUDICIAL SALARIES

Meeting

October 17, 1986.

The Committee on Executive, Legislative and Judicial Salaries will meet on Wednesday, November 5, 1986, from 2:30 p.m. to 4:30 p.m. at 734 Jackson Place, NW., Washington, DC 20006.

This will be an open meeting with a review of material submitted to the Committee.

For further information, please contact Patsy Semple at, (202) 275–6834.

Chandler L. van Orman,

Executive Director.

[FR Doc. 86–23836 Filed 10–20–86; 8:45 am]

BILLING CODE 6325–01–M

FEDERAL COMMUNICATIONS COMMISSION

Agency Information Collection Activities Under OMB Review

October 14, 1986.

The following information collection requirement has been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). For further information contact FCC, Doris Benz (202) 632–7513.

OMB No.: 3060–0007

Title: Application for a New or Modified Common Carrier Microwave Radio Station Construction Permit Under Part 21

Form No.: FCC 435

The approval on FCC 435 has been extended through 9/30/89. The September 1985 edition with a previous expiration date of 9/30/86 will remain in use until updated forms are available.

Federal Communications Commission.
William J. Tricarico,
Secretary.
[FR Doc. 86-23710 Filed 10-20-86; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-776-DR]

Major Disaster and Related Determinations; Illinois

AGENCY: Federal Emergency Management Agency.
ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Illinois (FEMA-776-DR), dated October 7, 1986, and related determinations.

DATED: October 7, 1986.
FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3616.

Notice: Notice is hereby given that, in a letter of October 7, 1986, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 et seq., Pub. L. 93-288), as follows:

I have determined that the damage in certain areas of the State of Illinois resulting from severe storms and flooding beginning on September 21, 1986, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Illinois.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

Pursuant to Section 408(b) of Pub. L. 93-288, you are authorized to advance to the State its 25 percent share of the Individual and Family Grant program, to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mr. Philip Zaferopulos of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Illinois to have been affected adversely by this declared major disaster and are designated eligible as follows:

Lake and McHenry Counties for Individual Assistance.
The Cook County townships of Leydon, Lyons, Maine, Northfield, Norwood Park, Proviso, River Forest, Riverside, and Wheeling for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)
[FR Doc. 86-23704 Filed 10-20-86; 8:45 am]
BILLING CODE 6718-03-M

[FEMA-775-DR]

Disaster and Related Determinations; Wisconsin

AGENCY: Federal Emergency Management Agency.
ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Wisconsin (FEMA-775-DR), dated October 7, 1986, and related determinations.

DATED: October 7, 1986.
FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3616.

Notice: Notice is hereby given that, in a letter of October 7, 1986, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 et seq., Pub. L. 93-288), as follows:

I have determined that the damage in certain areas of the State of Wisconsin resulting from severe storms and flooding beginning on September 10, 1986, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Wisconsin.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

Pursuant to section 408(b) of Pub. L. 93-288, you are authorized to advance to the State its 25 percent share of the Individual and Family Grant program, to be repaid to the United States when it is able to do so.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mr. Paul E. Hall of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Wisonsin to have been affected adversely by this declared major disaster and are designated eligible as follows:

The Counties of Fond du Lac, Kenosha, Milwaukee, Ozaukee, and Sheboygan for Individual Assistance.

Julius W. Becton, Jr.
Director.
[FR Doc. 86-23705 Filed 10-20-86; 8:45 am]
BILLING CODE 6718-11-M

FEDERAL MARITIME COMMISSION

Automated Tariff Filing and Information System (ATFI); Advisory Committee Meeting

AGENCY: Federal Maritime Commission.
ACTION: Notice of advisory committee meeting.

SUMMARY: The Commission announces the third meeting of the ATFI Advisory Committee to be held on November 19-20, 1986 in Washington, DC. The agenda for this meeting includes the review of the current status of a feasibility study by a GSA contractor and a discussion of the alternative concepts of operation and the business and service alternatives identified in the feasibility study. The meeting will be open to the public.

DATE: The ATFI Advisory Committee Meeting will commence on November 19, 1986 at 10:00 a.m. and, if necessary, will continue through November 20, 1986.

ADDRESS: The ATFI Advisory Committee meeting will be held at 1100 L Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: *Committee Executive Secretary:* John Robert Ewers, Director, Bureau of Administration, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, (202) 523-5866.

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission's

Automated Tariff Filing and Information System (ATFI) Advisory Committee will meet at 10:00 a.m. on November 19, 1986 in the Main Hearing Room at the Commission Headquarters Building, 1100 L Street, NW., Washington, DC.

The Advisory Committee was established in November of 1985 (50 FR 47447) to advise the Commission on the study, development, and operation of an automated tariff filing system. The Committee consists of 20 members, including one agency official, and a balanced representation of the various segments of the shipping and information industry affected by ATFI.

At the first meeting of the Advisory Committee held on January 23–24, 1986, the Committee was organized into subcommittees representing the information service industry and each identifiable segment of the shipping industry. A spokesperson for each segment was selected and provided an opportunity to formulate and express the perceived user needs and demands of that segment of the shipping industry. This information has been included in an ongoing feasibility study on the ATFI project undertaken for the Commission by a GSA contractor, American Management Systems, Inc. (AMS).

At the second meeting of the Advisory Committee held on June 19–20, 1986, AMS presented its formulation of key issues which, in its opinion, must be addressed in the development of the ATFI system. The Advisory Committee discussed these issues and presented the views of the various industry groups on how the issues should be resolved by the Commission.

Based upon the consensus of opinions presented at the second meeting, AMS has formulated the alternative concepts of operation and the feasible business and service delivery alternatives available to the Commission in the development of the ATFI system. These have been incorporated into a document which will be sent to members of the Advisory Committee in advance so that they can better develop their views and positions.

Accordingly, the agenda for the third Advisory Committee meeting is:

1. Further explanation of and questions and answers on the final ATFI Feasibility Study, including discussion of alternative concepts of operation, business alternatives for development and operation of an automated tariff system, and key business issues that the FMC should address.

2. Formulation and presentation of positions and final evaluation of the Feasibility Study from each industry segment spokesman.

The meeting will be open to public observation. A period will be set aside for oral comments or questions by the public which do not exceed 10 minutes each. More extensive questions or comments should be submitted in writing before November 17, 1986. Other public statements regarding committee affairs may be submitted at any time before or within 21 days after the meeting. Approximately 35 seats will be available for the public (including 5 seats reserved for media representatives) on a first-come-first-served basis.

Copies of the summaries of the minutes and relevant documents will be available on written request 30 days after the close of the record of the meeting. Requests should be addressed to the Executive Secretary of the Advisory Committee, should be submitted by November 10, 1986, and must be accompanied by a check for $10.00 made payable to the "Federal Maritime Commission."

Joseph C. Polking,

Secretary.

[FR Doc. 86-23676 Filed 10-20-86; 8:45 am]

BILLING CODE 6730-01-M

Inactive Tariffs; Bureau of Tariffs; Order

By Notice published in the **Federal Register** on August 11, 1986, the Commission notified the carriers named therein of its intent to cancel certain tariffs which appeared to be inactive. Carriers were given 30 days to show cause why such tariffs should not be cancelled.

The Notice was served on 66 carriers by certified mail on August 6, 1986. Responses were received from eight (8) carriers. Four (4) carriers responded that their publications were active and requested that they not be cancelled, and four (4) carriers requested their tariffs be cancelled. These requests have been granted. The remaining fifty-eight (58) carriers did not show cause why their tariff publications should not be cancelled, and their tariffs are hereby cancelled. It is noted in this connection that the Notice could not be delivered to some forty-three (43) carriers because they were no longer at the address shown in the Commission's files. Carriers should be cautioned to maintain current addresses on their tariff publications and in the Commission's files. The balance of the carriers, fifteen (15), received the registered mail Notice but made no response.

It is misleading to the public, potentially unfair to competing carriers, and an administrative burden on the Commission's staff for inactive tariffs to be kept on file. Inactive tariffs contravene the implicit requirements of section 8(a)(1) of the Shipping Act of 1984 (46 U.S.C. app. 1707) which necessitates the prompt submission of accurate information concerning the services offered by a common carrier including the suspension of all or any part of the operations described in its published tariffs.

Therefore, it is ordered, That pursuant to section 8(a)(1) of the Shipping Act of 1984 (46 U.S.C. app 1707), the tariffs identified on the attached list are cancelled.

It is further ordered, That this Order be published in the **Federal Register** and a copy thereof filed with the tariffs.

By the Commission pursuant to authority delegated by section 9.04 of Commission Order No. 1 (Revised) dated November 12, 1981.

Robert G. Drew,

Director, Bureau of Tariffs.

Tariffs Cancelled

1. Adamello Lines, Inc.—FMC No. 2
2. Airnaut Express, Inc.—FMC No. 1
3. Alfa Line Ltd.—FMC No. 5
4. Allied Shipping Co., Inc. d/b/a Allied Lines—FMC No. 1
5. Alpha Lines, Inc.—FMC No. 1
6. American Coastal Line Joint Venture, Inc.—FMC Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17
7. American Shipping Company, Inc., S.A.—FMC No. 6
8. Barlovento Line, Inc.—FMC No. 1
9. Benovi Line S.A.—FMC No. 1
10. Carmindale Shipping and Trading, S.A.—FMC No. 1
11. Central Marine Lines, Inc.—FMC Nos. 1, 2, 3, 5, 7
12. Columbus Line Container Service—FMC No. 1
13. Compagnie Maritime D'Affretement—FMC Nos. 2, 7, 9, 10, 11, 12, 13, 14
14. Consolidado Nautico S.A.—FMC No. 1
15. Contract Marine Carriers, Inc.—FMC Nos. 1, 2, 5, 6, 10, 11
16. EKL Line.—FMC No. 1
17. Gulf International Shipping and Chartering, Inc. d/b/a Caribbean Marine Services—FMC Nos. 1, 2
18. Halla Maritime Corporation—FMC No. 2
19. Imex Shipping Inc.—FMC No. 1
20. Interports Line Ltd.—FMC No. 1
21. IPS Med-Gulf, Inc.—FMC No. 1
22. Kosta International Corp.—FMC No. 1
23. Manila Cargo Express Consolidators—FMC No. 1
24. Mer-Line Shipping Company—FMC No. 1
25. Merengue Lines, Inc.—FMC No. 1
26. Miami-Caicos Shipping Limited—FMC No. 1
27. Nigeria America Line—FMC Nos. 5, 6, 11, 12, 13
28. Nordic Shipping Corp.—FMC No. 1.
29. Ocean Lines N.V. Inc.—FMC No. 2
30. Olympic Steamship, Inc.—FMC No. 1

31. Omega Ocean Carriers, Inc.—FMC No. 1
32. P&M Line—FMC No. 1
33. Pacific Motor Trucking Company—FMC No. 1
34. Pep Line Ltd.—FMC No. 1
35. Rainbow Express Inc.—FMC No. 1
36. Rotterdam Express Line, (The)—FMC No. 1
37. Roy L. Hendricks and Co.—FMC No. 1
38. Rush International Corp.—FMC No. 2
39. Seafreight Inc.—FMC No. 2
40. Shipco Ocean Services—FMC No. 1
41. Shippers Management International, Inc.—FMC No. 1
42. Shoyo Shipping Co., Ltd.—FMC No. 1
43. States Africa Line, Inc.—FMC Nos. 1, 2
44. TMS Line—FMC No. 2
45. Tank Traffic America, Inc.—FMC No. 1
46. Trans Intermodal Transport—FMC No. 1
47. Trans Caribbean Lines, Inc.—FMC No. 12
48. Trans Caribbean Shipping, Ltd.—FMC No. 1
49. Trans Viking International, Inc.—FMC No. 1
50. Transnational Inc.—FMC No. 1
51. Transoceanic Container Corp.—FMC No. 1
52. Transrapid Line Ltd.—FMC Nos. 1, 2
53. Turk and Caicos Traders Limited—FMC No. 1
54. Universal Lines, Inc.—FMC No. 1
55. Universal Shipping Agency, Inc.—FMC No. 1
56. Valmar De Navegacion S.A.—FMC No. 3
57. Westchase Ocean Systems—FMC No. 1
58. World Shipping Line, Inc.—FMC No. 1

[FR Doc. 86-23677 Filed 10-20-86; 8:45 am]

BILLING CODE 6730-01-M

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-010689-017.

Title: Transpacific Westbound Rate Agreement.

Parties:

American President Lines, Ltd.
Hanjin Container Lines, Ltd.
Hyundai Merchant Marine Co., Ltd.
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Line
Neptune Orient Lines, Ltd.
Nippon Yusen Kaisha, Ltd.
Orient Overseas Container Line, Inc.
Sea-Land Service, Inc.
Showa Line, Ltd.
United States Lines, Inc.
Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would add new provisions concerning minimum rates to conform with the Commission's decision in Docket No. 85-18.

Dated: October 16, 1986.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 86-23717 Filed 10-20-86; 8:45 am]

BILLING CODE 6730-01-M

Filing And Effective Date of Agreements

The Federal Maritime Commission hereby gives notice, that on October 10, 1986, the following agreements were filed with the Commission pursuant to section 5, Shipping Act of 1984, and were deemed effective that date, to the extent they constitute assessments as described in paragraph (d) of section 5, Shipping Act of 1984.

Agreements No.: 201-000065-003, 201-000083-002, 201-000085-001, 201-000086-001, 201-000091-002.

Title: Master Contract Assessment Agreement

Parties:

New York Shipping Association, Inc.
Carriers Container Council
JSP Agency, Inc.
Boston Shipping Association
International Longshoremen's Association, AFL-CIO.

Synopsis: The amendments provide for the revival and extension of all previously filed agreements between the parties which expired on October 1, 1986. The agreements will remain in effect until November 17, 1986.

Dated: October 16, 1986.

By the Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 86-23716 Filed 10-20-86; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Montana Community Banks, Inc.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 7, 1986.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Montana Community Banks, Inc.*, Ronan, Montana; to engage *de novo* through its subsidiary, Mission Mountain Country Club, Inc., Ronan, Montana, in making equity and debt investments in corporations or projects designed primarily to promote community welfare, pursuant to § 225.25(b)(6) of the Board's Regulation

Y. These activities will be conducted in the State of Montana.

Board of Governors of the Federal Reserve System, October 15, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-23680 Filed 10-20-86; 8:45 am]

BILLING CODE 6210-01-M

Peoples National Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 7, 1986.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Peoples National Bancorp, Inc.*, State College, Pennsylvania; to acquire 100 percent of the voting shares of Heritage Financial Services Corporation, Lewistown, Pennsylvania, and thereby indirectly acquire The Russell National Bank, Lewistown, Pennsylvania. Comments on this application must be received by November 12, 1986.

B. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *State National Bancorp, Inc.*, Maysville, Kentucky; to acquire 100 percent of the voting shares of Peoples Bank of Morehead, Morehead, Kentucky.

C. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Columbus Financial Corporation*, Columbus, Mississippi; to become a bank holding company by acquiring 100 percent of the voting shares of First Columbus National Bank, Columbus, Mississippi.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Fourth Financial Corporation*, Wichita, Kansas; to acquire 100 percent of the voting shares of First National Bank and Trust Company of Lenexa, Lenexa, Kansas. Comments on this application must be received by October 31, 1986.

Board of Governors of the Federal Reserve System, October 15, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-23681 Filed 10-20-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

White Earth Reservation Land Settlement Act of 1985; Publication Error and Availability of Replacement Copies

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Publication Error and Availability of Replacement Copies.

SUMMARY: The Bureau of Indian Affairs published a List of Lands Affected by White Earth Reservation Land Settlement Act of 1985 on Friday, September 19, 1986, at pages 33347-33409. The Bureau of Indian Affairs has learned that pages 33349-33372 were omitted from some copies of the September 19 issue in the publication process. The Bureau of Indian Affairs announces that a replacement copy of the entire notice may be obtained by contacting the Area Director, Attention: Rights Protection Specialist, Bureau of Indian Affairs, Chamber of Commerce Building, 15 South 5th Street, 6th Floor, Minneapolis, Minnesota 55402. Telephone: (612) 349-3631.

Frank Anthony Ryan,

Deputy to the Assistant Secretary Indian Affairs (Trust and Economic Development).

[FR Doc. 86-23726 Filed 10-20-86; 8:45 am]

BILLING CODE 1505-01-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 11, 1986. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington DC 20243. Written comments should be submitted by November 5, 1986.

Carol D. Shull,

Chief of Registration, National Register

DICTRICT OF COLUMBIA

WASHINGTON

Interior Department Offices, 18th and F Sts., NW

FLORIDA

Manatee County

Palmetto, *Palmetto Historic District*, Roughly Bounded by Twenty-first Ave., Seventh St., Fifth Ave., and the Manatee River

ILLINOIS

Alexander County

Tamms, *Chicago and Eastern Illinois Railroad Depot*, Front St.

Champaign County

Urbana, *Chemical laboratory (University of Illinois Buildings by Nathan Clifford Ricker TR)*, 1305 W. Green St.

Urbana, *Metal Shop (University of Illinois Buildings by Nathan Clifford Ricker TR)*, 102 S. Burrill Ave.

Urbana, *Military Drill Hall and Men's Gymnasium (University of Illinois Buildings by Nathan Clifford Ricker TR)*, 1402-1406 W. Springfield

Urbana, *Natural History Building (University of Illinois Buildings by Nathan Clifford Ricker TR)*, 1301 W. Green St.

Urbana, *University of Illinois Astronomical Observatory*, 901 S. Mathews Ave.

Clark County

Clarksville, *Millhouse Blacksmith Shop*, Main and Polplar Sts.

Cook County

Chicago, *Balaban & Katz Uptown Theatre*, 4814-4816 N. Broadway

Chicago, *Legler, Henry E., Regional Branch of the Chicago Public Library*, 115 S. Pulaski Rd.

Chicago, *Lincoln Park-South Pond Refectory*, 2021 N. Stockton Dr.

Chicago, *Uptown Broadway Building*, 4703-4715 N. Broadway

Greene County

White Hall, *White Hall historic District,* Roughly bounded by Bridgeport, Jacksonville, Ayers, and Main Sts.

Livingston County

Pontiac, *Livingston County Courthouse,* 112 W. Madison

McLean County

Bloomington, *East Grove Street District—Bloomington,* 400–700 E. Grove St.

Montgomery County

Hillsboro, *Blackman, George, H.,* 904 S. Main St.

Morgan County

Jacksonville, *Ayers Bank Building,* 200 W. State St.
Jacksonville, *Morgan County Courthouse,* 300 W. State St.

Sangamon County

Springfield, *Central Springfield Historic District (Boundary Increase),* Sixth St. from Capitol to Monroe St.

Williamson County

Marion, *Goddard Chapel,* Rose Hill Cemetery, Rt. 37 N.

INDIANA

Crawford County

Potts Creek Rockshelter Archaeological Site (12 Cr 110)

Starke County

Knox, *Starke County Courthouse,* Courthouse Square

IOWA

Black Hawk County

Cedar Falls, *Rownd, C.A., Round Barn (Iowa Round Barns: The Sixty Year Experiment TR),* 5102 S. Main

Calhoun County

Jolley vicinity, *Knapp, Dr. Charles Round Barn (Iowa Round Barns: The Sixty Year Experiment TR),* Off CR D–26

Harrison County

Dunlap, *Wheeler, John R. Jr., House,* 407 S. Third St.

Plymouth County

LeMars, *Tonsfeldt Round Barn (Iowa Round Barns: The Sixty Year Experiment TR),* Plymouth County Fairgrounds

Ringgold County

Maloy, *Shay, Lee Farmhouse,* Off CR P–27

Wayne County

Allerton vicinity, Nelson Round Barn (Iowa Round Barns: The Sixty Year Experiment TR), CR J46

Winneshiek County

Burr Oak vicinity, *Kinney Octagon Barn (Iowa Round Barns: The Sixty Year Experiment TR),* Off US 52

KENTUCKY

Lincoln County

Stanford, *Stanford Commercial District,* Main St. from Somerset St. to Third St.

LOUISIANA

Avoyelles County

Bunkie vicinity, *Oak Hall,* LA 29
Marksville, *Bordelon, Alfred H., House,* 511 N. Washington

Caddo Parish

Shreveport, *Scottish Rite Cathedral,* 725 Cotton St.

DeSoto Parish

Gloster vicinity, *Scott, Thomas, House,* LA 5, four miles E of Gloster

East Baton Rouge Parish

Baton Rouge, *Baton Rouge High School,* 2825 Government St.

Iberville Parish

Plaquemine vicinity, *Homestead Plantation Complex,* LA 3066, 3 miles SW of Plaquemine
Plaquemine, *Desobry Building,* Court and Marshall Sts.

MISSISSIPPI

Lowndes County

Columbus vicinity, *Bethel Presbyterian Church,* Off US 45 twelve miles S of Columbus

Oktibbeha County

Starkville, *Gillespie—Jackson House,* SE corner MS 12 and MS 25

MISSOURI

Greene County

Fair Grove, *Boegel and Hine Flour Mill—Wommack Mill,* E side of N. Main St., S of Intersection with MO 125

St. Louis (Independent City)

Emerson Electric Company Building, 2012—2018 Washington Ave.
Lesan—Gould Building, 1320—1324 Washington Ave.

NEW JERSEY

Morris County

Morristown, *Morristown Historic District (Boundary Increase),* Irregularly bounded by Lackawanna,
Franklin Pl., James, Ogden Pl., Doughty, Mt. Kemble, Western, and Speedwell

NEW MEXICO

Bernalillo County

Las Imagines Archaeological District—Albuquerque West Mesa Escarpment

NORTH CAROLINA

Bertie County

Windsor, *Windsor Historic District,* Roughly bounded by York, Water, Sutton, and Elmo Sts.

OREGON

Multnomah County

Portland, *Benson Hotel,* 309 SW Broadway

Polk County

Independence, *Independence National Bank,* 302 S. Main St.
Independence, *Wheeler, J. A., House, 386 Monmouth St.*
Monmouth, *Polk County Bank,* 295 E. Main St.

PUERTO RICO

Arecibo County

Arecibo, *Gonzalo Marin 101,* 101 Gonzalo Marin St.
Arecibo, *Casa Cordova,* 14 Gonzalo Marin St.
Arecibo, *Palacio del Marques de las Claras,* 58 Gonzalo Marin St.
Arecibo, *Paseo Victor Rojas,* Calle Gonzalo Marin at Avenida De Diego

Mayaguez County

Mayaguez, *Residencia Ramirez De Arellano En Guanajibo,* PR State Rd. No. 102

Ponce County

Ponce, *Casa Alcaldia de Ponce—City Hall, South, Las Delicias Square*
Ponce, *Mercado de las Carnes—Meat Market,* Alley connecting Mayor and Leon Sts.

Yauco County

Yauco, *Residenca Gonzalez Vivaldi,* No. 26 Mattei Lluberas St.

SOUTH CAROLINA

Laurens County

Laurens, *Albright-Dukes House (City of Laurens MRA),* 127 Academy St.
Laurens, *Darlington, Lyde Irby, House (City of Laurens MRA),* 110 Irby Ave.
Laurens, *Duckett, Charles H., (City of Laurens MRA),* 105 Downs St.
Laurens, *Irby, Dr. William Claudius, House (City of Laurens MRA),* 132 Irby Ave.
Laurens *Laurens Historic District (Boundary Increase) (City of Laurens MRA),* Both sides of W. Main St. from 742 to 964 W. Main St.
Laurens, *Sitgreaves House (City of Laurens MRA),* 428 W. Farley Ave.
Laurens, *South Harper Street Historic District (City of Laurens MRA),* Both sides of S. Harper St. from 320 to 1037 S. Harper
Laurens, *Williams-Ball-Copeland House (City of Laurens MRA),* 544 Ball Drive

VIRGINIA

Alexandria (Independent City)

Bayne-Fowle House, 811 Prince St.

Northumberland County

Wicomoco Church vicinity, *Shalango,* VA 666

WASHINGTON

King County

Kent vicinity, *Sanders, Erick Gustave, Mansion,* 5516 S. Two-hundred and Seventy-seventh St.

Medina, *Eddy, James G., House and Garden (Boundary Increase),* 1005 Evergreen Point Rd.
Seattle, *Bowles, Jesse C., House,* 3540 Shoreland Drive S.
Seattle, *Seattle Chinatown Historic District,* Roughly bounded by Main, Jackson, I-5, Waller, and Fifth.

[FR Doc. 86-23770 Filed 10-20-86; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Forms Under Review by Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44) U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Ray Houser (202) 275-6723. Comments regarding this information collection should be addressed to Ray Houser, Interstate Commerce Commission, Room 1325, 12th and Constitution Avenue NW., Washington, DC 20423 and to Gary Waxman, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503, (202) 395-7340.

Type of Clearance: Extension
Bureau/Office: Office of Compliance & Consumer Affairs
Title of Form: Notice of Intent to Perform Interstate Transportation for Certain nonmembers under 49 U.S.C. 10526(A)(5)
OMB Form No.: 3120-0005
Agency Form No.: OCP-102
Frequency: On Occasion
Respondents: Agriculture Cooperatives
No. of Respondents: 50
Total Burden Hrs.: 25.

Noreta R. McGee,

Secretary.

[FR Doc. 86-23748 Filed 10-20-86; 8:45 am]
BILLING CODE 7035-01-M

Release of Waybill Data For Use by the Association of American Railroads

The Commission has received a request from the Railroad Tank Car Safety Research and Test Project of the Association of American Railroads (AAR) for permission to use certain data from the Commission's 1975 to 1985 and, when available, 1986 Waybill Sample for tank car safety research. Specifically, the data requested pertain to population count, stratum count, car initial and number, and the full 7-digit commodity code for tank car movements. AAR needs this usage information in connection with their accident data to analyze the performance of railroad tank cars in accidents and to seek design changes that will reduce the probability of lading loss.

The Commission requires rail carriers to file waybill sample information if in any of the past three years they terminated on their lines at least: (1) 4,500 revenue carloads of (2) 5 percent of revenue carloads in any one State (49 CFR Part 1244). From this waybill information, the Commission has developed a Public Use Waybill File that has satisfied the majority of all our waybill data requests while protecting the confidentiality of proprietary data submitted by the railroads. However, if confidential waybill data are requested, as in this case, we will consider releasing the data only after certain protective conditions are met and public notice is given. More specifically, under the Commission's current policy for handling waybill requests, we will not release any confidential waybill data until after: (1) public notice is provided so affected parties have an opportunity to object and (2) certain requirements designated to protect the data's confidentiality are agreed to by the requesting party (48 FR 40328, September 6, 1983).

Accordingly, if any parties object to this request, they should file their objections (an original and 2 copies) with the Director of the Commission's Office of Transportation Analysis (OTA) within 14 calendar days of the date of this notice. They should also include all grounds for objection to the full or partial disclosure of the requested data. The Director of OTA will consider these objections in determining whether to release the requested waybill data. Any parties who objected will be timely notified of the Director's decision.

Contact: Elaine Kaiser, (202) 275-7003.

Noreta R. McGee,

Secretary.

[FR Doc. 86-23749 Filed 10-20-86; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Clean Air Act; Levolor Lorentzen, Inc.

In accordance with Departmental policy, 28 CFR § 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Levolor Lorentzen, Inc.,* Civil Action No. 86-1263, was lodged in the United States District Court for the District of New Jersey on September 23, 1986.

The proposed consent decree concerns violations of the New Jersey State Implementation Plan ("New Jersey SIP") N.J.A.C. 7:27—16, and the Clean Air Act, 42 U.S.C. 7401, *et seq.* The violations occurred during the manufacture of venetian blinds and assorted parts at the defendant's Hoboken, New Jersey facility. The manufacturing process includes the application of coatings containing excessive amounts of volatile organic substances ("VOS"). The proposed decree requires the defendant to comply with the VOS emissions limitations set forth in N.J.A.C 7:27—16.5 of the New Jersey SIP. The proposed decree also requires Levolor to pay a $125,000 civil penalty for past violations.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Levolor Lorentzen, Inc.,* D.J. Ref. No. 90-5-2-1-909.

Copies of the proposed consent decree may be examined at the Office of the United States Attorney, Federal Building, 970 Broad Street, Room 502, Newark, New Jersey 07102, the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278, and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resoures Division, Department of Justice.

[FR Doc. 86-23675 Filed 10-20-86; 8:45 am]
BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

The Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby

given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: November 12, 1986, 9:30 a.m., Rm. S4215 A&B, Frances Perkins Department of Labor Building, 200 Constitution Avenue NW., Washington, DC 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

FOR FURTHER INFORMATION, CONTACT: Fernand Lavallee, Executive Secretary, Labor Advisory Committee, Phone: (202) 523-6565,

Signed at Washington, DC, this 16th day of October 1986.

Robert W. Searby,

Deputy Under Secretary, International Affairs.

[FR Doc. 86-23746 Filed 10-20-86; 8:45 am]

BILLING CODE 4510-28-M

Employment and Training Administration

Steel Fork Arms

On July 17, 1986, the U.S. International Trade Commission (ITC) determined that increased imports of steel fork arms are not a substantial cause of serious injury or the threat thereof to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974.

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance, and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential.)

The U.S. Department of Labor has concluded its report on steel fork arms. The report found as follows:

1. The average number of production and related workers engaged in the production of steel fork arms at the firms producing for the commercial market fell 36.2 percent from 1981 through 1982, fell a further 51.7 percent in 1983, then increased 103.4 percent in 1984, and an additional 5.1 percent in 1985. The average number of production and related workers engaged in the production of steel fork arms at the firms producing solely for their own use fell 72.7 percent from 1981 through 1982, rose 144.4 percent in 1983 and a further 18.2 percent in 1984, then declined 73.1 percent in 1985.

2. The U.S. Department of Labor (DOL) has received no petitions for trade adjustment assistance (TAA) from production and production-related workers in the steel fork arm industry since April 3, 1975, the effective date of the adjustment assistance program.

3. Local labor market conditions do not vary widely for the areas having steel fork arm production facilities. Unemployment rates for April 1986 ranged from 3.5 percent in the Middlesex-Somerset-Hunterdon, New Jersey PMSA to 7.4 percent in the Grand Rapids, Michigan MSA. The unemployment rates for 2 of the 4 areas were above the national rate of 7.0 percent for April 1986.

4. The TAA program, which was due to expire on September 30, 1985, was extended from October 1, through December 19, 1985, by a series of emergency temporary extensions of the law. With the Third Continuing Resolution of 1985 (Pub. L. 99-199), statutory authority for providing training and job search and relocation allowances was continued through September 30, 1986. However, authority for paying TRA, or cash payments, to workers certified for TAA was allowed to expire on December 19, 1985.

On April 7, 1986, the President signed into law the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99-272) which among its provisions extends the TAA program through September 30, 1991, provides for retroactive payments of TRA back to December 18, 1985, and links receipt of TRA benefits to participation in job search programs (Sections 13001-13009).

Under statutory authority existing prior to Pub. L. 99-272, Congress had appropriated $26.0 million for training, job search and relocation allowances in FY 1986, but as a result of the Gramm-Rudman-Hollings sequestration that amount was reduced to $24.882 million. Under the new program, funds appropriated for training and job search and relocation for eligible workers in FY 1986 remain at $24.882 million. In addition, DOL now has available $106 million for TRA payments for FY 1986.

5. Dislocated workers from the steel fork arm industry may be eligible for benefits and services under Title III of the Job Training Partnership Act (JTPA). Total Title III program funding for Program Year (PY) 1986 (July 1, 1986 through June 30, 1987) is $149.4 million, of which $95.6 million will be allotted by the Federal Government and $53.8 million will be in State matches. The Federal formula amount for PY 1986 is $71.7 million, and the national reserve is $23.9 million.

Signed at Washington, DC, this 15th day of October 1986.

Roger D. Semerad,

Assistant Secretary of Labor.

[FR Doc. 86-23747 Filed 10-20-86; 8:45 am]

BILLING CODE 4510-30-M

Office of the Assistant Secretary for Veterans' Employment and Training

Special Solicitation for Grant Application; Job Training Partnership Act, Title IV, Part C, Program Year 1986

AGENCY: Office of the Assistant Secretary for Veterans' Employment and Training, Labor.

ACTION: Notice.

SUMMARY: This notice sets forth the procedures and schedule for the Solicitation for Grant Application (SGA) for the operation of employment and training programs in the State of Tennessee in accordance with Title IV, Part C of the Job Training Partnership Act (JTPA). The regulations at 20 Code of Federal Regulation (CFR) Part 635 provide guidance for the development and administration of programs authorized under this part.

DATE: The SGA will be available for issuance as of the date of this notice. The closing date for receipt of grant applications in response to the SGA is November 24, 1986.

ADDRESS: A Copy of the SGA may be obtained by written request only, including two self-addressed mailing labels, to the State Director for Veterans' Employment and Training Service (SDVETS) located in Tennessee. The name and address of the SDVETS is: SDVETS Clayton Lamberth, Jr., Veterans, Employment and Training Service, U.S. Department of Labor 301 James Robertson Parkway, Room 317, Nashville, Tennessee 37201, (615) 741-2135.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Juarez, Office of the Assistant Secretary for Veterans' Employment and Training, U.S.

Department of Labor, 200 Constitution Avenue NW., Room S1316, Washington, DC 20210, Telephone (202) 523-9110, or the appropriate SDVETS.

SUPPLEMENTARY INFORMATION: On January 2, 1986, the Office of the Assistant Secretary for Veterans' Employment and Training U.S. Department of Labor, issued an SGA for the Job Training Partnership Act, Title IV, Part C Program Year 1986 funds. This part provides for programs to meet the employment and training needs of service-connected disabled veterans, veterans of the Vietnam era, and veterans who are recently separated from military service. Notice of the issuance was published in the **Federal Register** on December 13, 1985. A deadline of February 14, 1986, was established for receipt of applications.

The January 2, 1986, SGA limited eligible applicants to (1) the designated JTPA administrative entity for the State/Governor as recognized by the Employment and Training Administration, U.S. Department of Labor (USDOL), and (2) service delivery area administrative entities as described in Sections 101 and 103 of the JTPA, including single statewide service delivery areas. The SGA also stated that if in any State no eligible applicant applied for funds within the specified timeframe, the definition of eligible applicant would be broadened in those States and a special solicitation would be issued to provide services to targeted veterans in those States.

No eligible applicant applied for funds within the established timeframe in the State of Tennessee. Accordingly, the Assistant Secretary for Veterans' Employment and Training announces the availability of funds to implement programs in the State of Tennessee in the amount of $146,000.

In accordance with the SGA, applications for funds in Tennessee will now be accepted from public agencies; community-based organizations; units of local and State governments; Indian tribes, bands, or groups on Federal or State reservations; Alaskan Native entities; educational institutions; and private for-profit and nonprofit organizations.

Each applicant, as of the date of this notice and at the time of application, must be geographically located in Tennessee.

Further, each applicant must demonstrate that it possesses the requisite understanding and capabilities to conduct an effective program for targeted veterans.

Applications for funds based on the SGA must be received by the Tennessee State Director for Veterans' Employment and Training Service (SDVETS) not later than 4:30 p.m., at the SDVETS' address noted above on November 24, 1986.

It is anticipated that grant awards will be made by January 1987.

Consultation and technical assistance relative to the development of an application under the SGA is available upon request for the State Director for Veterans' Employment and Training Service.

Signed at Washington, DC, this 15th day of October 1986.

Donald E. Shasteen,

Assistant Secretary for Veterans' Employment and Training.

[FR Doc. 86-23745 Filed 10-20-86; 8:45 am]

BILLING CODE 4510-79-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Records Schedules; Availability

AGENCY: National Archives and Records Adminstration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Adminstration (NARA) publishes a notice at least monthly of all agency requests for records disposition authority (records schedules) which include records being proposed for disposal or which reduce the records retention period for records already authorized for disposal. The first notice was published on April 1, 1985. Records schedules identify records of continuing value for eventual preservation in the National Archives of the United States and authorize agencies to dispose of records of temporary value. NARA invites public comment on proposed records disposals as required by 44 U.S.C. 3303a(a).

DATE: Comments must be received in writing on or before December 22, 1986.

ADDRESS: Address comments and requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requestors must cite the control number assigned to each schedule when requesting a copy. The Control number appears in parenthesis immediately after the title of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records in the form of paper, film, magnetic tape, and other media. In order to control the accumulation of records, Federal agencies prepare records schedules which specify when the agency no longer needs them for current business and what happens to the records after the expiration of this period. Destruction of the records requires the approval of the Archivist of the United States, which is based on a thorough study of their potential value for future use. A few schedules are comprehensive; they list all the records of an agency or one of its major subdivisions. Most schedules cover only one office, or one program, or a few series of records, and many are updates of previously approved schedules.

This public notice identifies the Federal agencies and their appropriate subdivisions requesting disposition authority, includes a control number assigned to each schedule, and briefly identifies the records scheduled for disposal. The complete records schedule contains additional information about the records and their disposition. Additional information about the disposition process will be furnished with each copy of a records schedule requested.

Schedules Pending Approval:

1. Department of the Air Force, Directorate of Administration (NC1-AFU-84-1). Records relating to the status of Air Force Reserve Officer Training Corps (AFROTC) programs.

2. Department of the Air Force, Directorate of Administration (N1-AFU-86-13). Fraud, waste, and abuse case files lacking historical value and related records (schedule provides for permanent retention of significant case files and related records).

3. Department of the Air Force, Directorate of Administration (N1-AFU-86-56 and N1-AFU-86-57). Medical records of foreign nationals.

4. Department of the Army, Army Records Management Operations Office (N1-AU-86-10). Input forms submitted by Army to the Defense Technical Information Center (DTIC) for inclusion in the DTIC data base.

5. Departmentof the Army, Depots, (N1-338-86-3). Facilitative records of Army depots (schedule provides for permanent retention of mission-related records).

6. Department of the Army, Office of the Adjutant General (NC1-AU-85-61). Personnel Management Study Files maintained by offices without Army-wide responsibility.

7. Environmental Protection Agency, Procurement and Contract Management

Division (NC1-412-85-5). Records relating to procurement operations.

8. Environmental Protection Agency, Personnel Management Divison (NC1-412-85-28). Records relating to program functions and administrative support service.

9. Environmental Protection Agency, Agencywide (N1-412-86-2). Office management records, including schedules of daily activities and files relating to administration of the Freedom of Information and Privacy Acts.

10. General Accounting Office, General Services and Controller (N1-217-86-3). Revision to disposition schedule for records of Offices of Financial Management and Congressional Relations. Includes magnetic tapes for travel and miscellaneous payments systems and Congressional correspondence members and committee files.

11. General Services Administration, Office of the General Counsel, Public Buildings Division (N1-269-87-1). Reduction in retention period for records relating to bidders and contractor protests to the Comptroller General on solicitation issued for contracts entered into by GSA.

12. General Services Administration, Federal Property Resources Service, Office of Real Property (N1-291-86-2). Real property utilization survey case files, including survey reports and related correspondence.

Dated: October 14, 1986.

Frank G. Burke,

Acting Archivist of the United States.

[FR Doc. 86-23750 Filed 10-20-86; 8:45 am]

BILLING CODE 7515-01-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endownment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C Chapter 35).

DATE: Comments on this information collection must be submitted on or before November 20, 1986.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW, Washington, DC 20506 (202-786-0233) and Ms. Judy McIntosh, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW, Room 3208, Washington, DC 20503 (202-395-6880).

FOR FURTHER INFORMATION CONTACT: Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW, Washington, DC 20506 (202-786-0233) from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what the form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504 (h).

Category: Revision

Title: General Programs: Public Humanities Projects/Guidelines and Application Instructions

Frequency of Collection: Twice a year at each deadline

Respondents: Colleges and universities, libraries, private, non-profit organizations, civic and professional groups, or branches of state or local government

Use: Collection of information provides a basis for evaluation of applications in the competitive review process

Estimated Number of Respondents: 109

Estimated Hours for Respondents to Provide Information: 8,720

Susan Metts,

Director of Administration.

[FR Doc. 86-23693 Filed 10-20-86; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel For Biological Instrumentation; Meeting

In accordance with the Federal Advisory Committee Act, as amended Pub. L. 92-463, the National Science Foundation announces the following meeting.

Name: Advisory Panel for Biological Instrumentation.

Date and Time: Friday, November 7, 1986 from 8:30 a.m. to 7:00 p.m. Saturday, November 8, 1986 from 8:00 a.m. to 5:00 p.m.

Place: The River Inn, 924 25th Street, NW., The Columbia Suite, Room 105.

Type of Meeting: Closed.

Contact Person: John C. Wooley, Program Director, Biological Instrumentation, Room 325E, Telephone: 202/357-7652.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research instrumentation.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary of confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

October 15, 1986.

[FR Doc. 86-23684 Filed 10-20-86; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Memory and Cognitive Processes; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Memory and Cognitive Processes.

Date and Time: November 5 and 6, 1986; 9:00 a.m.-5:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Room 1243, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Joseph L. Young, Program Director for Memory and Cognitive Processes, Room 320, National Science Foundation, Washington, DC 20550, (202)357-9898.

Purpose of Meeting: To provide advice and recommendations concerning support for research in memory and cognitive processes.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information, concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee

Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

October 15, 1986.

[FR Doc. 86–23685 Filed 10–20–86; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Metabolic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Metabolic Biology.

Date and Time: November 6, 7 and 8, 1986 9:00—5:00.

Place: Historic Inns of Annapolis, 16 Church Circle, Annapolis, Maryland 21401.

Type of Meeting: Closed.

Contact Person: Dr. William van B. Robertson, Metabolic Biology Program, Rm 325, National Science Foundation, Washington, DC 20550, Telephone (202) 357–7987.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in metabolic biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such salaries, and personal information concerning individuals associated with the proposals. These matters are within exemption (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

October 15, 1986.

[FR Doc. 86–23686 Filed 10–20–86; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Sensory Physiology and Perception; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following:

Name: Advisory Panel for Sensory Physiology and Perception.

Date and Time: November 5, 6 and 7, 1986; 9:00 a.m.—5:00 p.m. each day.

Place: National Science Foundation, 1800 G Street, NW., Room 628, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Carol Welt, Program Director, Sensory Physiology and Perception, Room 320, National Science Foundation, Washington, DC 20550; (202) 357–7428.

Purpose of Meeting: To provide advice and recommendations concerning support for research in sensory physiology and perception.

Agenda: To review and evaluate research proposal as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

October 15, 1986.

[FR Doc. 86–23687 Filed 10–20–86; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Social/Cultural Anthropology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Social/Cultural Anthropology.

Date and Time: November 6 and 7, 1986; November 6: 8:30 a.m..5:00 p.m., November 7: 8:30 a.m.–2:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Room 1242, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Stuart Plattner, Associate Program Director, Anthropology Program, Room 320, National Science Foundation, Washington, DC 20550; (202) 357–7804.

Purpose of Meeting: To provide advice and recommendations concerning support in social/cultural anthropology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to the provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

October 15, 1986.

[FR Doc. 86–23688 Filed 10–20–86; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–2061–SC]

Kerr-McGee Chemical Corp. (Kress Creek Decontamination); Postponement of Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of October 10, 1986, oral argument on the NRC staff's appeal from the Licensing Board's June 19, 1986, initial decision in this show cause proceeding scheduled for Wednesday, October 29, 1986, in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland, is *postponed* until further notice.

Dated: October 14, 1986.

For the Appeal Board.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 86–23722 Filed 10–20–86; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Safety Philosophy, Technology, and Criteria; Meeting

The ACRS Subcommittee on Safety Philosophy, Technology, and Criteria will hold a meeting on November 5, 1986, Room 1046, 1717 H. Street, NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, November 5, 1986—9:00 A.M. until the conclusion of business

The Subcommittee will: (1) Discuss the implications of the Chernobyl Accident, (2) continue its review of USI A–17, "Systems Interactions in Nuclear Power Plant," and (3) review the status

of the NRC work on steam generator overfill.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Dr. Richard Savio (telephone 202/634–3267) between 8:15 A.M. and 5:00 P.M. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: October 15, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86–23721 Filed 10–20–86; 8:45 am]

BILLING CODE 7590–01–M

Abnormal Occurrence Report; Section 208 Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (NRC) has published and issued another periodic report to Congress on abnormal occurrences (NUREG–0090, Vol. 9, No. 1).

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the **Federal Register** (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

This report to Congress is for the first calendar quarter of 1986. The report identifies the occurrences or events that the Commission determined to be significant and reportable; the remedial actions that were undertaken are also described. During the report period, there were two abnormal occurrences at the nuclear power plants licensed to operate. The events were (1) a loss of power and water hammer event and (2) a loss of integrated control system power and overcooling transient. There were five abnormal occurrences at the other NRC licensees. The events were (1) a rupture of an uranium hexafluoride cylinder and releases of gases, (2) a therapeutic medical misadministration, (3) an overexposure to a member of the public from an industrial gauge, (4) a breakdown of management controls at an irradiator facility, and (5) a tritium overexposure and laboratory contamination. There were four abnormal occurrences reported by the Agreement States. Three of the events involved radiation injuries to people working either as radiographers or assistant radiographers; the other event involved contamination of a scrap steel facility.

The report also contains information updating some previously reported abnormal occurrences.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street NW., Washington, DC or at any of the nuclear power plant Local Public Document Rooms throughout the country.

Copies or microfiche of NUREG–0090, Vol. 9, No. 1 (or any of the previous reports in this series), may be purchased by calling (202) 275–2060 or (202) 275–2171, or by writing to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20012–7982. A year's subscription to the NUREG–0090 series publication, which consists of four issues, is also available. Documents may be purchased by check, money order, Visa, Mastercard, or charged to a GPO Deposit Account.

Copies of the report may also be purchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

Dated at Washington, DC, this 16th day of October 1986.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 86–23719 Filed 10–20–86; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Revised Meeting Notice of the Waste Management Subcommittee

The **Feferal Register** published Friday, October 10, 1986 (51 FR 36501) contained notice of a meeting of the ACRS Subcommittee on Waste Management scheduled for October 30 and 31, 1986. The following items will *not* be discussed:

(1) Seismo Tectonic Generic Technical Position (GTP).

(2) Overview of LLW program, FY 87 Budget for Staff and Technical Assistance programs, and status of long-range planning.

All other items regarding this meeting remain the same as previously announced.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Owen S. Merrill (telephone 202/634–1413) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact one of the above named individuals one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated October 16, 1986.

Morton W. Libarkin,

Assistant, Executive Director for Project Review.

[FR Doc. 86–23720 Filed 10–20–86; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Proposed Extension of Forms Submitted to OMB for Clearance

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (Title 44, U.S.C., Chapter 35), this notice announces a proposed extension of forms which collect information from the public. The Establishment

Information Form, the Wage Data Collection Form, and the Continuation Form are wage survey forms developed by the Office of Personnel Management and used by three lead agencies, the Department of Defense, the Veterans Administration, and the National Aeronautics and Space Administration, to survey private sector business establishments. The surveys are conducted annually to determine the level of wages paid by private enterprise establishments for representative jobs which are common to both private industry and Government. The lead agencies use this information to establish rates of pay, for Federal Wage System employees, competitive with the private sector. For copies of this proposal, call James M. Farron, Agency Clearance Officer, on (202) 632-7714.

DATE: Comments on this proposal should be received on or before October 31, 1986.

ADDRESSES: Send or deliver comments to—

James M. Farron, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street NW., Room 6410, Washington, DC 20415

and

Katie Lewin, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:
James M. Farron, (202) 632-7714.

U.S. Office of Personnel Management.

Constance Horner,

Director.

[FR Doc. 86-23714 Filed 10-20-86; 8:45 am]

BILLING CODE 6325-01-M

Proposed Extension of SF 2814A Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (Title 44, U.S.C. Chapter 35), this notice announces a proposed extension of an information collection from the public. SF 2814A, Medicare Part B Certification, is used to determine the eligibility of annuitants, their spouses, and survivor annuitants (covered by the Retired Federal Employees Health Benefits Program) to receive a Government contribution toward their premiums for Part B (Medical Insurance) of Medicare. For copies of this proposal call James M. Farron, Agency Clearance Officer, on (202) 632-7714.

DATE: Comments on this proposal should be received on or before October 31, 1986.

ADDRESSES: Send or deliver comments to—

James M. Farron, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street, NW., Room 6410, Washington, DC 20415

and

Katie Lewin, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:
James L. Bryson, (202) 632-5472.

U.S. Office of Personnel Management.

Constance Horner,

Director.

[FR Doc. 86-23715 Filed 10-20-86; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142

Upon Written Request, Copy Available From: Securities and Exchange Commission Office of Consumer Affairs, 450 Fifth Street NW., Washington, DC 20549

Extension file No.	Rule
270-188	Rule 12b-1 [17 CFR 270.12b-1].
270-239	Rule 17j-1 [17 CFR 270.17j-1].
270-237	Rule 10f-3 [17 CFR 270.10f-3].
270-160	Rule 6c-6 [17 CFR 270.6c-6].
270-215	Rule 204-2 [17 CFR 275.204-2].

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval the following rules under the Investment Company Act of 1940:

Rule 12b-1—Distribution of shares by registered open-end management investment company.

Rule 17j-1—Certain unlawful acts, practices, or courses of business and requrements relating to codes of ethics with respect to registered investment companies.

Rule 10f-3—Exemption of acquisition of securities during the existence of underwriting syndicate.

Rule 6c-6—Exemption for certain registered separate accounts and other persons.

Notice is also given that the Securities and Exchange Commission has submittted for extension of OMB approval Rule 204-2 under the Investment Advisers Act of 1940, Books and records to be maintained by investment advisers.

Comments should be submitted to OMB Desk Officer: Sheri Fox, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-23700 Filed 10-20-86; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-23693; SR-Amex-86-14]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Approving Proposed Rule Change

The American Stock Exchange, Inc. ("Amex") submitted on June 2, 1986, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), and Rule 19b-4 thereunder that would permit the Amex to conduct a three month pilot program under Rule 126(g) during which orders to cross blocks of 50,000 shares or more would be permitted to have precedence over other bids and offers.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was provided by the issuance of a Commission release (Securities Exchange Act Release No. 23319, June 13, 1986) and by publication in the **Federal Register** (51 FR 22588, June 20, 1986). No comments were received on the proposed rule change.

Current Amex rules provide that the highest bid and lowest offer have priority in execution. Where bids or offers are at the same price, priority is based on the time in which they were made. Bids or offers at the same price and made simultaneously would have parity and would share equally in an execution at the specified price. Unlike the New York Stock Exchange, Inc. ("NYSE"), Amex has no rules which provide for precedence based on the size of the order.[1] Therefore, size is not

[1] Under NYSE rules the highest bid and lowest offer have priority in all cases. NYSE Rule 71. Where bids are made at the same price priority goes to the first bid made. *See* Rule 72(I)(a). Where a bid has no time priority, bids for a number of shares

Continued

a factor in determining the sequence in which bids and offers are executed on the Amex.[2]

Amex has expressed concern over what they regard as an increasing number of block transactions in Amex listed securities being conducted on regional exchanges rather than on the Amex.[3]

The Exchange believes that the reason for routing such block transactions to regional exchanges is not the cost of transactions on the Amex but rather the difficulty of effecting block cross transactions of large size without losing an excessive number of shares due to priority rules. [4] Amex believes that the adoption of a size precedence policy for block cross transactions of significant size will lessen the disincentives for conducting such large trades on the Amex and would facilitate their execution. Amex believes that they can thereby reduce their loss of order flow to regional exchanges.

The Commission carefully has reviewed the Amex's proposal. In the Commission's view it is unclear from the statistics and data provided that Amex is losing a significant amount of block order business to the regionals because of its inability to provide size precedence to such orders on the floor. [5] In addition, the Commission is concerned about changes to existing Amex rules that might provide large institutional investors executing block size orders precedence over smaller customer orders. Nevertheless, the Commission has decided to approve the Amex's proposal on a three month pilot basis for several reasons.

First, under the pilot, size precedence only will be permitted in orders to cross 50,000 shares or more. As the Amex states, this should help to ensure that size precedence under the pilot will primarily apply to the more active, liquid issues. Second, size precedence only will be granted to orders of 50,000 shares or more for a limited 3 month pilot period. Finally, Amex has indicated that it will carefully monitor the pilot and provide the Commission with a review of the results. [6] Such a review should provide the Commission with further information to determine whether the pilot should be extended, altered, modified or approved on a permanent basis. [7]

Based on the above, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 9, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-23757 Filed 10-20-86; 8:45 am]

BILLING CODE 8010-01-M

equaling or exceeding the number of shares in the offer or balance have precedence over bids for less than the number of shares in th offer or balance. *See* Rule 72(I)(b). Where no bid is entitled to priority under Rule 72(I)(a) or precedence under Rule 72(I)(b), the bid for the largest number of shares has precedence. *See* Rule 72(I)(c). The priority, parity and precedence of offers made at the same price are determined by the same procedures used for bids. *See* Rule 72(II).

[2] Under the Amex proposal, size precedence only would be a factor in determining the sequence of execution where no other bid or offer has price or time priority.

[3] In correspondence with the Commission staff, Amex cited statistics showing that Amex vs. regional block share volume for January 1986 to June 1986 was 83% vs. 17%; Amex us. regional block trades for the same period were 86% vs. 14%. This compares with figures showing that non-block share volume and non-block trades done on regional exchanges from January to June 1986 were 10% and 11%, respectively. Amex believes these statistics demonstrate that they are losing proportionately more block orders than small orders to regional exchanges. This finding particularly concerns the Amex in view of other figures indicating that block volume is growing both absolutely and as a percentage of total volume. *See* letter from Paul Stevens, Executive Vice President, Amex, to Michael Cavalier, Branch Chief, Division of Market Regulation, dated July 28, 1986 ("July 1986 Letter"); letter from Janice Straughter, Attorney, Amex, to Brandon Becker, Assistant Director, Division of Market Regulation, dated August 25, 1986 ("August 1986 Letter").

[4] The Commission staff specifically asked Amex to provide information to substantiate this view. In its July 1986 letter, Amex indicated that it was unable to obtain sufficient information to conduct a comparison of transaction fees and execution costs among exchanges. Nevertheless, Amex noted that its rule change is intended to address situations where order is presented on the Amex floor and then re-routed after the broker representing it has ascertained that there is stock ahead. Accordingly, Amex believes that if costs were a major factor in determining market execution, such orders would not have been routed to Amex in the first instance.

[5] For example, based on the data provided by Amex in its July and August 1986 Letters, we are unable to conclude that the larger percentage of block orders over non-block orders handled by the regionals indicates the Amex is losing block orders because brokers are re-routing these orders from Amex to a regional exchange after ascertaining that other orders on the Amex floor are ahead and will receive priority. Order routing of block trades to regional exchanges may involve other factors such as reduced transaction fees and execution costs.

[6] We understand that Amex's review of the pilot program will include information such as the number of bids and offers accorded size precedence under the pilot, the number of shares in those bids and offers and their dollar value; the types of bids and offers which the subject block orders were placed ahead of, including the number of shares of these bids and offers and their dollar value; the number and type of block orders which were sent to Amex but which, during the period of this pilot, continued to be rerouted for execution at regional exchanges, including their size and dollar value; and, data providing some indication of the impact of the pilot on the number of block orders which are sent to Amex and then rerouted to regional exchanges.

[7] The Commission notes that any extension of the proposed pilot program beyond the initial period approved in this order, or material change in the terms of the pilot, would have to be submitted for Commission consideration pursuant to section 19(b) of the Act.

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange, Inc.

October 15, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Bairnco Corporation
Common Stock, $0.10 Par Value (File No. 7-9253)
Bernard Chaus, Inc.
Common Stock, $0.01 Par Value (File No. 7-9254)
Brush Wellman, Inc.
Common Stock, $1.00 Par Value (File No. 7-9255
Burroughs Corporation
Series "A" Preferred, $1.00 Par Value (File No. 7-9256)
FGIC Corporation
Common Stock, $1.00 Par Value (File No. 7-9257)
Federal Paper Board Company, Inc.
Common Stock, $5.00 Par Value (File No. 7-9258)
First Capital Holdings Corporation
Common Stock, $0.01 Par Value (File No. 7-9259)
Leaseway Transportation Corporation
Common Stock, $1.00 Par Value (File No. 7-9260)
National Convenience Stores, Inc.
Common Stock, $0.41 ⅔ Par Value (File No. 7-9261)
Pan Am Corporation
Warrants (File No. 7-9262)
Pennwalt Corporation
$2.50 Convertible Preferred Stock, $1.00 Par Value (File No. 7-9263)
Pennwalt Corporation
$1.60 Convertible 2nd Preferred, $1.00 Par Value (File No. 7-9264)
Revere Copper & Brass Incorporated
Common Stock, $2.50 Par Value (File No. 7-9265)
Rochester Telephone Corporation
Common Stock, $2.50 Par Value (File No. 7-9266)
Stone Container Corporation

$3.50 Cummulative Exchangeable Preferred Stock, No Par Value (File No. 7-9267)
Western Pacific Industries, Inc.
Common Stock, $1.00 Par Value (File No. 7-9268)
Bolar Pharmaceutical Co., Inc.
Common Stock, $0.01 Par Value (File No. 7-9269)
Ceasars New Jersey, Inc.
Common Stock, $0.10 Par Value (File No. 7-9270)
Collins Foods International, Inc.
Warrants (File No. 7-9271)
Fireman's Fund Corporation
Warrants (File No. 7-9272)
Halmi (Robert), Inc.
Common Stock, $0.01 Par Value (File No. 7-9273)
Harley-Davidson, Inc.
Common Stock, $0.01 Par Value (File No. 7-9274)
Horn & Hardart Company (The)
Warrants (File No. 7-9275)
Lincoln N.C. Realty Fund Incorporated
Common Stock, $0.01 Par Value (File No. 7-9276)
Scandinavia Fund, Inc. (The)
Common Stock, $0.01 Par Value (File No. 7-9277).

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 6, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-23753 Filed 10-20-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

October 15, 1986.

The above named national securities exchange has filed applications with the Securities and Exhange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Airlease, Ltd.
A California Limited Partnership Depositary Units (File No. 7-9279)
Stanhome, Inc.
Common Stock, $.25 Par Value (File No. 7-9280)
Fieldcrest Cannon, Inc.
Common Stock, $1.00 Par Value (File No. 7-9281)
ICN Pharmaceuticals, Inc. (Delaware)
Common Stock, $1.00 Par Value (File No. 7-9282)
Pengo Industries, Inc.
Common Stock, No Par Value (File No. 7-9283)
SSMC Inc.
Common Stock, $10.00 Par Value (File No. 7-9284).

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 6, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-23754 Filed 10-20-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

October 15, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stock:

Zweig Fund, Inc.
Common Stock, $.10 Par Value (File No. 7-9278)

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 6, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-23755 Filed 10-20-86; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-8105]

Issuer Delisting; Application To Withdraw From Listing and Registration; Rykoff-Sexton, Inc.

October 15, 1986.

Rykoff-Sexton, Inc. ("Company") has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the Common Stock, $.10 Par Value and 9.20% Convertible Subordinated Debentures due February 1, 2005, from listing and registration on the American Stock Exchange, Inc. ("Amex"). The Company's common stock and convertible debentures were recently listed and registered on the New York Stock Exchange, Inc. ("NYSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of such securities on the NYSE and the Amex. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for its securities.

Any interested person may, on or before November 5, 1986, submit by

letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-23756 Filed 10-20-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

[Docket 38883]

Pan American World Airways Employee Protection Program Investigation; Postponement of Hearing

The Air Line Pilots Association has requested a delay in the starting date for the hearing scheduled to begin October 20, 1986. ALPA requests a delay until October 23. The other parties do not object to the requested delay.

ALPA's request will be granted, but not to the extent it has requested. The hearing will begin on Wednesday, October 22, at 10:00 a.m. (local time), in Hearing Room 2 (lower level), 2120 L Street, NW., Washington, DC.

Dated at Washington, DC, October 16, 1986.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 86-23898 Filed 10-20-86; 9:53 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review.

Dated: October 15, 1986.

The Department of Treasury has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, P.L. 96-511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7313, 1201 Constitution Avenue NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0092
Form Number: ATF F 5100.31 (1648/1649/1650)
Type of Review: Extension

Title: Application for Certification/Exemption of Label/Bottle Approval Under the Federal Alcohol Administration Act

OMB Number: 1512-0354
Form Number: ATF REC 5170/3
Type of Review: Extension

Title: Retail Liquor Dealers Records of Receipts of Alcohol Beverages and Commercial Invoices

OMB Number: 1512-0385
Form Number: ATF REC 5900/1
Type of Review: Extension

Title: Proprietors or Claimants Exporting Liquors

OMB Number: 1512-0392
Form Number: ATF REC 5190/1
Type of Review: Extension

Title: Record of Things of Value Furnished to Retailers Under the Federal Alcohol Administration Act

Clearance Officer: Robert G. Masarsky, (202) 566-7077; Bureau of Alcohol, Tobacco and Firearms, Room 7202, Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building Room 3208, New Executive Office Building, Washington, DC 20503.

Financial Management Service

OMB Number: 1510-0034
Form Number: POD-315
Type of Review: Extension

Title: Depositor's Application to Withdraw Postal Savings

OMB Number: 1510-0035
Form Number: None
Type of Review: Extension

Title: Assignment Form

Clearance Officer: Douglas C. Lewis; Financial Management Service; Room 100; 3700 East West Highway; Hyattsville, MD 20782
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Internal Revenue Service

OMB Number: New
Form Number: IRS Form 990-W
Type of Review: New

Title: Worksheet for Estimated Tax for Tax-Exempt Trust

OMB Number: 1545-0007
Form Number: IRS Form T
Type of Review: Extension

Title: Forest Industries Schedules

OMB Number: 1545-0051
Form Number: IRS Form 990-C
Type of Review: Revision

Title: Farmers' Cooperative Association Income Tax Return

OMB Number: 1545-0130
Form Number: IRS Form 1120S, Schedule D and Schedule K-1
Type of Review: Revision

Title: U.S. Income Tax Return for an S Corporation, Capital Gains and Losses, and Shareholder's Share of Income, Credits, Deductions, etc.

OMB Number: 1545-0640
Form Number: IRS Form FL-695
Type of Review: Reinstatement

Title: Purchase Order Follow-up

OMB Number: 1545-0710
Form Number: IRS Forms 5500, 5500-C, 5500-R
Type of Review: Revision

Title: Annual Return/Report of Employee Benefit Plan Return/Report of Employee Plan and Associated Schedules

OMB Number: 1545-0935
Form Number: IRS Forms 1120-FSC and Schedule P
Type of Review: Revision

Title: U.S. Income Tax Return of a Foreign Sales Corporation and Related Schedules. Schedule P—Computation of Inter-Company Transfer Price or Commission

Clearance Officer: Garrick Shear, (202) 566-6150, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224
OMB Reviewer: Robert Neal, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive

Office Building, Washington, DC 20503.

Douglas J. Colley,

Departmental Reports Management Office.

[FR Doc. 86-23735 Filed 10-20-86; 8:45 am]

BILLING CODE 4810-25-M

Customs Service

[T.D. 86-193]

Customs/BATF Agreement; Supervision of Alcoholic Beverage and Distilled Spirits Plant Bonded Warehouses

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of transfer of supervision.

SUMMARY: This document sets forth a memorandum of understanding between the Customs Service (Customs) and the Bureau of Alcohol, Tobacco, and Firearms (BATF) whereby the BATF will perform, on behalf of Customs, spot-checks and audits of certain Customs bonded warehouses. The warehouses affected are those co-located at distilled spirits plants premises and those warehouses which store alcoholic beverages only. Implementation of the agreement will continue the Treasury Department's control of bonded warehouses at these locations while effecting an overall savings in Treasury Department resources. It will not require any changes in the regulations of either agency or have any significant impact on the bonded warehouse industry.

EFFECTIVE DATE: October 21, 1986.

FOR FURTHER INFORMATION CONTACT:

Customs

Audit Aspects—Matthew J. Krimski, Regulatory Audit Division (202-566-2812)

Inspection Aspects—John Holl, Office of Cargo Enforcement and Facilitation (202-566-8151)

BATF—Alan Graham—Director, Distilled Spirits Branch (202-566-7531)

Dated: October 15, 1986.

Margaret M. O'Rourke,

Acting Assistant Commissioner (Office of Commercial Operations).

Memorandum of Understanding Between the U.S. Customs Service and the Bureau of Alcohol, Tobacco , and Firearms, Department of the Treasury

Purpose

To establish an agreement whereby the Bureau of Alcohol, Tobacco, and Firearms (BATF) will perform, on behalf of the U.S. Customs Service, inspector spot-checks and regulatory audits of certain Customs bonded warehouses. The warehouses involved are those used exclusively for the storage of alcohol beverages. At the present time, there are approximately 280 of these bonded warehouses in the United States.

Background

Customs and BATF have been engaged in a cooperative effort during the last several years to maintain effective supervision over bonded warehouses and distilled spirits plants. As a result of these efforts, Customs and BATF concurred in an agreement in March 1984, whereby BATF would verify imported bulk quantities of distilled spirits to Customs.

As an extension of this agreement, a pilot test was initiated in late 1984 to determine if BATF would assume responsibility for spot-checks and audits of Customs bonded warehouses co-located at distilled spirits plants premises. BATF personnel were trained in Customs procedures and successfully conducted spot-checks and audits during the course of the pilot test, which ended in 1985. Customs and BATF have agreed to transfer the responsibility for spot-checks and audits for these particular warehouses to BATF.

General Authorities

31 U.S.C. Section 321
31 U.S.C. Section 1535

Interagency Coordination

Detailed procedures have been developed for the coordination and identification of warehouses included in this program (appended). BATF will perform all Customs spot-check and audit procedures and will forward all appropriate reports to Customs when completed. Customs bonded warehouses under this agreement will be only those used exclusively for the storage of alcohol beverages approximately 280 warehouses nationwide. Customs will continue to bill the warehouses in the program for the annual fee and reimburse BATF.

Justification

Overall Treasury Department efficiency will be gained. For warehouses co-located at DSP's. BATF will have to be onsite to perform their revenue protection audits at the DSP. By also conducting spot-checks and/or audits at DSP's, BATF will save Customs the requisite travel costs and time that would otherwise be borne by Customs. This agreement will also increase ATF's enforcement presence at a time when contamination and tampering problems are increasing.

Periodic monitoring of this program will be carried out to ensure its continued cost efficiency and proper implementation of Customs bonded warehouse program.

Implementation

This agreement will not require any changes in regulations concerning bonded warehouse operations. The impact on the bonded warehouse industry should be minimal. One Treasury Officer will just be performing the same function of another Treasury Officer with resultant savings to the government. Notice to the bonded warehouse industry for these warehouses will be published in the **Federal Register** along with the procedures necessary to control the identification of the warehouses involved in the program and the Treasury organization responsible for the spot-checks and audits. Implementation date is projected at October 1, 1986, or publication date in the **Federal Register**, whichever is later.

Dated: August 20, 1986.

William von Raab,

Commissioner, U.S. Customs Service.

Dated: July 8, 1986.

Stephen E. Higgins,

Director, Bureau of Alcohol, Tobacco, and Firearms.

Procedures

Background

Customs and BATF have been engaged in a cooperative effort during the last several years to maintain effective supervision over bonded warehouses and distilled spirits plants. As a result of these efforts, Customs and BATF concurred in an agreement in March 1984, whereby BATF would verify imported bulk quantities of distilled spirits to Customs.

As an extension of this agreement, a pilot test was initiated in late 1984 to determine if BATF would assume responsibility for spot-checks and audits of Customs bonded warehouses co-located at distilled spirits plants premises. BATF personnel were trained in Customs procedures and successfully conducted spot-checks and audits during the course of the pilot test, which ended in 1985. Customs and BATF have agreed to transfer the responsibility for spot-checks and audits for these particular warehouses to BATF.

Additionally, Congress required, through the Department of the Treasury's legislation, that a study be conducted to determine the feasibility of BATF assuming jurisdiction over Customs bonded warehouses containing

imported alcoholic beverage products only. The study found and recommended that BATF assume inspector spot-check and audit responsibility for these warehouses. On June 13, 1986, the Department mandated Customs transfer these two specific responsibilities to BATF.

Customs will retain overall supervisory and administrative responsibility for bonded warehouses where BATF conducts audits and spot-checks. That is, Customs will receive and process warehouse entries and withdrawals, approve new warehouses, administer bonding requirements, assess liquidated damages on the basis of BATF reports, process petitions for relief, and suspend or revoke warehouse approvals. The application and annual fees for alcoholic beverage warehouses will be the same as for any other bonded warehouses.

Criteria for Participating Warehouses

Detailed procedures have been developed for the coordination and identification of warehouses included in this program. BATF will perform all Customs spot-check and audit procedures and will forward all appropriate reports to Customs when completed. Customs bonded warehouses under this agreement will be only those used exclusively for the storage of alcohol beverages approximately 280 warehouses nationwide. Customs will continue to bill the warehouses in the program for the annual fee and reimburse BATF. The term "bonded warehouse exclusively for the storage of alcoholic beverages" includes:

1. Any otherwise qualifying warehouse which contains domestic alcoholic beverages along with imported alcoholic beverages;

2. Any otherwise qualifying warehouse which contains advertising and/or promotional material related solely to alcoholic beverages, except:

a. Where any such material is restricted merchandise (textile products or other merchandise subject to quota or requiring a special permit as a condition of withdrawal for consumption);

b. Where the warehouse proprietor cannot carry the burden of proof that all of such material is actually advertising or promotional material related *solely* to alcoholic beverages; or

c. Where Customs has determined, on a case by case basis. that not more than 25% of the value of the merchandise in the warehouse during the business year consisted of advertising and promotional material.

Warehouses which are excluded are:

1. Any warehouse that cannot meet the criteria for inclusion noted above;

2. Any Class 6 warehouse;

3. Any warehouse where Customs has approved a blanket permit for withdrawal for exportation or aircraft/vessel supplies (duty-free stores or ships chandlers); (See Customs Directive 3260–04, dated December 13, 1983)

4. Any warehouse containing non-beverage alcohol or alcohol products.

A specific listing of these warehouses has been sent to each region and will be updated on an annual basis.

Procedures To Control Switching Between Customs/BATF

The following procedures will be adopted to control Customs bonded warehouses under the program.

1. An initial listing of warehouses in the program has been developed by both agencies and forwarded to the regions. All warehouses on the list will be subject to spot-checks and audits by BATF utilizing Customs procedures. The warehouses will remain under BATF control until they are found by spot-checks or audit to be ineligible for continued participation or they elect to revert to Customs control by bringing non-alcoholic beverage merchandise into the warehouse and notifying Customs in advance.

2. Any warehouse found by Customs or BATF to contain merchandise other than alcoholic beverages or small amounts of promotional material, that has not given prior notification to Customs, will revert to Customs control and be assessed liquidated damages for failure to comply with a proper Customs order, rule or regulation (19 CFR 19.3).

3. Such warehouses will remain in Customs control until the warehouse files an accurate CF 300, Warehouse Proprietor's Submission, which shows the activity for the past business year has only involved alcoholic beverages. Consequently, it may take a warehouse as much as 24 months and 15 days to qualify again for the program.

This time frame is based on the fact that the Customs Regulations require the CF 300 to be filed 45 days after the end of the proprietor's business year. Therefore, if a warehouse participating in the program is found to contain non-alcoholic beverage merchandise in month 1 of its business year it could take the balance of that business year (11 months) plus another business year (12 months) plus the total filing period provided (45 days or 1½ months) before a CF 300 could be filed demonstrating alcoholic beverage activity only. Conversely, a warehouse could revert to BATF supervision in as short a period as 12 months. This could occur if an infraction is discovered late in the 12th month of the first year and the proprietor files the CF 300 immediately after the end of the second business year.

4. New warehouses coming into existence after the effective date of the program's implementation will be considered under Customs supervision until they can file a warehouse proprietor's submission for a full year showing only alcoholic beverage activity. When that occurs, they will be transferred over to BATF.

5. Warehouses under BATF supervision which become aware that they will be storing non-alcoholic beverage merchandise will immediately notify the Customs district director of this fact. The notification will be in writing at least 2 days prior to the filing of the warehouse or rewarehouse entry. The district director will then notify region and Headquarters Regulatory Audit by forwarding a copy of the notification letter to them. The district director will also notify the regional BATF coordinator of the notification. This notification will eliminate the possibility of the assessment of liquidated damages against the proprietor if the non-alcoholic beverage merchandise is found subsequently in the warehouse.

These warehouses will revert to Customs supervision and remain under that supervision until they can file a CF 300 Warehouse Proprietor's Submission which shows alcoholic beverage activity for 1 full year and become eligible for the program again.

6. For purposes of the program the warehouse proprietor will be allowed to store some promotional material associated with the alcoholic beverages. However, the promotional material cannot exceed more than 25 percent of the total value of the total merchandise in the warehouse at any given time. Promotional material may include coasters, glasses and napkins with advertising logo-types, cork screws, alcohol filled novelty decanters, etc. The promotional material must be clearly and solely alcohol beverage related, and not be restricted merchandise.

Previous Memorandum of Understanding

See T.D. 84–168 published in the **Federal Register** on August 1, 1984 (49 FR 30827).

[FR Doc. 86–23706 Filed 10–20–86; 8:45 am]
BILLING CODE 4820–02–M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 203
Tuesday, October 21, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, October 23, 1986.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:

Compliance Status Report

The staff will brief the Commission on issues related to the Compliance Status Report.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207; 301–492–6800.

Sheldon D. Butts,
Deputy Secretary.
October 15, 1986.
[FR Doc. 86–23771 Filed 10–17–86; 8:56 am]
BILLING CODE 6355–01–M

2

FEDERAL COMMUNICATIONS COMMISSION

Additional Item To Be Considered at Open Meeting, Thursday, October 16th.

October 15, 1986.

The Federal Communications Commission will consider an additional item on the subject listed below at the Open Meeting scheduled for 9:30 a.m., Thursday, October 16, 1986 at 1919 M Street, NW., Washington, DC.

Agenda, Item No., and Subject

Mass Media—6—Title: By Director Letter to CBS, Inc., concerning allegations of unauthorized transfer of control. Summary: The Commission will consider a By Direction Letter to CBS, Inc., resolving unauthorized transfer of control issues that have arisen as a result of Loews Corp.'s acquisition of CBS stock and the naming of Loews' Chairman, Laurence A. Tisch, as acting Chief Executive Officer of CBS, Inc.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

Action by the Commission October 15, 1986. Commissioners, Fowler, Chairman; Quello, Dawson and Patrick voting to consider this item. Commissioner Dennis not participating.

Additional information concerning this meeting may be obtained from Maureen Peratino, Office of Congressional and Public Affairs, Telephone number (202) 632–5050.

Issued: October 15, 1986.
Federal Communications Commission.
William J. Tricarico,
Secretary.
[FR Doc. 86–23809 Filed 10–17–86; 10:33 am]
BILLING CODE 6712–01–M

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FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: At 3:00 p.m. Friday, October 17, 1986.

PLACE: In the Board Room, 6th Floor, 1700 G St., NW., Washington DC.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–6679).

MATTERS TO BE CONSIDERED:
Conversions from mutual to stock form and acquisitions of control of insured institutions.

Jeff Sconyers,
Secretary.
[FR Doc. 86–23850 Filed 10–17–86; 11:41 am]
BILLING CODE 6720–01–M

Federal Register

Tuesday
October 21, 1986

Part II

Department of Education

34 CFR Parts 600 and 614

Institutional Eligibility Under the Higher Education Act of 1965 as Amended; College Housing Program; Notice of Proposed Rulemaking

DEPARTMENT OF EDUCATION

34 CFR Parts 600 and 614

Institutional Eligibility Under the Higher Education Act of 1965 as Amended; College Housing Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes regulations governing the designation of whether institutions and schools of postsecondary education satisfy the statutory definitions of the following terms set forth in the Higher Education Act of 1965, as amended (HEA): "institution of higher education," "proprietary institution of higher education," "postsecondary vocational institution," and "vocational school." Designation by the Secretary as an eligible institution of higher education, proprietary institution of higher education, postsecondary vocational institution, or vocational school is a prerequisite for participating in the student financial assistance and other programs authorized by the HEA.

The Secretary proposes to amend § 614.4 of the College Housing Program regulations to make the provisions of Part 600 applicable to that program with regard to a determination of whether an "educational institution" satisfies the meaning of section 404(b)(1) of the College Housing Act.

DATES: Comments must be received on or before December 22, 1986.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Virginia G. Re, Division of Eligibility and Agency Evaluation, Office of Postsecondary Education, U.S. Department of Education (Room 3030, ROB-3), 400 Maryland Avenue SW., Washington, DC 20202.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Virginia G. Re, telephone number (202) 245-9703.

SUPPLEMENTARY INFORMATION: These proposed regulations primarily recodify existing regulations contained in Subpart A of the Student Assistance General Provisions regulations, 34 CFR Part 668. The recodified provisions include the definitions of the terms "institution of higher education," "proprietary institution," "vocational school," "six-month training program," "one-year training program," "regular student," and "the recognized equivalent of a high school diploma." Other recodified provisions include the sections dealing with ability to benefit, written agreements between an eligible institution and another institution or organization, and a change in ownership that results in a change of control. Additionally, these regulations include a provision dealing with the transfer-of-credit alternative to accreditation (formerly known as the three-institutional-certification or "3-I-C") that is currently contained in the rule published in the **Federal Register** on August 20, 1970, 35 FR 13324. When these regulations are published as final regulations, the provisions that are included in § 600.8 of these regulations will be deleted from the Student Assistance General Provisions regulations, and the August 20, 1970 transfer of credit rule will be revoked.

Explanation of Changes From Existing Procedures and Rules

The following is an explanation of the changes made in existing procedures and rules under the proposed regulations.

Six-Month and One-Year Training Programs

The proposed regulations modify the definitions of the terms "six-month program of training" and "one-year program of training" in the Student Assistance General Provisions regulations, 34 CFR 668.7 and 668.8. Under the proposed modifications, the Secretary measures the six-month and one-year programs by the number of days in each program, as well as by the number of clock hours or semester, trimester, or quarter hours of instruction provided in each program.

The six-month program must be at least 180 calendar days consisting of at least 150 calendar days of instruction; the one-year program must be at least 240 calendar days consisting of at least 210 calendar days of instruction. The 150 or 210 days of instruction of a program begins with the first day of class and ends with the last day of class. The Secretary has determined that for a six-month program it is not unusual for an institution to offer 150 calendar days of classroom instruction, and similarly for a one-year program, it is not unusual for an institution to offer 210 calendar days of instruction. Therefore, although the establishment of a required number of days of instruction for both a six-month program (150 days) and one-year program (210 days) is new, those provisions are consistent with current institutional practice. The Secretary invites suggestions for possible alternative definitions.

In the definition of a six-month training program, the Secretary is proposing to delete the provision currently in § 668.8(b) that permits the Secretary to determine, on the advice of a nationally recognized accrediting agency or association, that an educational program is equivalent in course content and student workload to a program of 600 clock hours or 16 semester or 24 quarter hours. This provision is seldom used and is no longer necessary with the addition of criteria requiring a minimum number of days in a six-month or one-year program.

Finally, the Secretary proposes to require an institution that uses credit hours or units to measure academic progress to be legally authorized by its State government to do so. This is a proposed response to abuses that the Secretary has discovered among institutions which, by arbitrarily assigning credit values, are able to establish eligibility for academic programs which would not otherwise be eligible. The Secretary needs assurances as to the validity of these credit values to determine whether institutions are in fact legitimately providing six-month or one-year training programs. The Secretary proposes to rely on the legal authorizations by State governments to determine the validity of credit values used by educational institutions. Moreover, under this provision, the State must provide explicit authority to conduct programs in credit hours. The absence of a prohibition against conducting programs would not be sufficient.

Definition of a Vocational School

Section 435(c) of the HEA, which defines "vocational school" for purposes of the Guaranteed Student Loan and PLUS programs, provides two alternatives to accreditation for unaccredited schools which seek to meet this definition but have no access to a nationally recognized accrediting agency or association. Under the first alternative, the Secretary may designate a State agency to approve schools of a particular category. Under the second alternative, if there is no recognized accrediting or State agency, the Secretary may appoint an advisory committee to prescribe standards and approve schools of a particular category.

Since nearly all categories of vocational schools now have access to a nationally recognized accrediting agency or association, no vocational school has sought eligibility in the past

ten years under these alternatives. The Secretary thus proposes not to issue regulations regarding these alternatives.

Ability to Benefit

The proposed regulations are consistent with the requirements of the legislation for admitting regular students under the "ability to benefit" provision.

To qualify under the HEA as an eligible institution of higher education, proprietary institution of higher education, postsecondary vocational institution or vocational school, such an institution or school may admit three categories of regular students. The first two categories include students with a high school degree or its equivalent. (In general, the equivalent of a high school diploma is a GED.) The third category includes students who are above the age of compulsory school attendance in the State in which the institution is located and have the ability to benefit from the training offered by the institution they attend.

The Secretary has been concerned with the exceedingly low "ability to benefit" standards adopted by some institutions. Various reports of the ED Inspector General and the General Accounting Office have found that students admitted by these institutions under those low standards drop out of schools at an exceedingly high rate or never successfully complete the programs in which they enrolled, yet these students receive large amounts of student financial assistance under the programs authorized by Title IV of the HEA.

In considering various approaches to remedying this problem, the Secretary became aware that numerous States have developed minimum achievement levels in reading and mathematics in order to graduate from high school. At one point, the Secretary considered establishing as minimum ability to benefit standards for institutions in those States, the achievement levels in reading and mathematics established by those States for graduating from high schools. For the other States that have not adopted such standards, the Secretary was considering establishing minimum achievement levels in reading and mathematics comparable to the standards established by the States with those standards.

The Secretary invites public comment with regard to establishing minimum achievement levels in specific disciplines as the measure for determining whether a student without a high school diploma or a GED has the ability to benefit from the training offered by an institution. In addition to discussing the desirability and feasibility of this approach, comments are requested, with regard to this approach, concerning the disciplines to be used, the minimum achievement level for each discipline used, and the relationship, if any, between that discipline and achievement level and a State standard, if any, for graduation.

Alternatives to Accreditation

In general, to qualify as an eligible institution or school, an institution or school must be accredited. However, two exceptions are provided for institutions of higher education and postsecondary vocational institutions. One exception, contained in section 1201(a)(5)(A) of the HEA, requires the Secretary to determine that there is satisfactory assurance that the unaccredited institution will meet the accrediting standards of an accrediting association within a reasonable period of time. The other exception, contained in section 1201(a)(5)(B) of the HEA, requires the Secretary to determine that three accredited institutions have accepted, on transfer, credits of students who attended the unaccredited institution on the same basis as they accept the credits on transfer of students transferring from any accredited instititon.

Satisfactory Assurance

Currently, the Secretary may use two procedures for determining whether there is satisfactory assurance that an unaccredited institution will meet the accreditation standards of a nationally recognized accrediting agency or association within a reasonable period of time. Under the first procedure, the Secretary determines that an institution has met this standard if it is accorded preaccredited status (candidacy status) by a nationally recognized accrediting agency or association. Under this procedure, the accrediting agency or association itself determines whether the unaccredited institution will meet its standards for accreditation within a reasonable period of time. If the accrediting agency or association so decides, it awards that institution preaccredited status.

Under the second procedure, the Secretary detemines, without the guidance of the accrediting agency or association, whether the unaccredited institution will meet that agency's or association's standards for accreditation within a reasonable period of time. In making this determination, the Secretary relies on the advice of an advisory committee. The Secretary is proposing to drop this second procedure since it is not needed. The procedure has not been used in the past five years, and, in any case, when used it put the Secretary in the untenable position of second-guessing what an accrediting agency or association would do in an undefined period of time.

Transfer-of-credit alternative (formerly three-institutional-certification or "3–I–C").

In the definition of an eligible institution of higher education in section 1201(a) of the HEA, section 1201(a)(5) relates to the quality of education provided by an institution. In the area of higher education, the accreditation process is the vehicle for formally evaluating the educational quality of an institution. Accordingly, section 1201(a)(5) of the HEA requires an eligible institution of higher education to either be accredited by a nationally recognized accrediting agency or association or be making reasonable progress toward accreditation. The Secretary believes that Congress, in enacting section 1201(a)(5), did not want to make eligible, and thus provide assistance to, institutions that provided poor quality education and did not wish to provide financial assistance to students attending such institutions.

On the other hand, Congress apparently considered that accreditation should not be the exclusive vehicle for measuring educational quality. Section 1201(a)(5)(B) of the HEA provides an alternative to accreditation for an unaccredited institution if it can demonstrate to the satisfaction of the Secretary that it—

is an institution whose credits are accepted on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

The Secretary believes that Congress must have assumed that an accredited institution would carefully scrutinize the educational quality of an unaccredited institution when it determines whether to accept the credits of a student transferring from that unaccredited institution on the same basis as it accepts the credits of students transferring from any accredited institution. The Secretary agrees that an accredited institution could be expected to evaluate carefully the transfer credits of a student transferring from an unaccredited institution if those credits, once accepted, would be counted toward satisfying the accredited institution's course requirements in the transfer student's major field of study and ultimately toward the degree awarded by the accredited institution. A careful evaluation by the accredited institution of the credits being

transferred as well as the educational program of the unaccredited institution from which the student is transferring would be necessary to prevent the accredited institution's degree from being devalued and its reputation from being tarnished.

The three-institutional-certification or "3–I–C" rule, published in the **Federal Register** on August 20, 1970, 35 FR 13324, was based upon the above rationale. To make sure that an accredited institution accepted the credits of a transfer student from an unaccredited institution based upon an evaluation of the educational program of the unaccredited institution rather than the qualifications of the individual transfer student, the Secretary required that at least three students or former students of the unaccredited institution have transferred to each of three accredited institutions. Thus, at least nine of the unaccredited institution's students or former students must have transferred to and enrolled in the three accredited institutions to satisfy that rule.

Over the 15-year period that the "3–I–C" rule has been in effect, the Secretary has become convinced that the rule has not, in many instances, satisfactorily carried out the purposes of section 1201(a)(5)(B) of the HEA. Therefore, the Secretary is proposing the following changes:

- The Secretary proposes to increase from three to four the number of students or former students of an unaccredited institution who must transfer to an accredited institution. The Secretary believes that requiring the additional student will provide further evidence that the accredited institution has based its decision to accept the credits of the unaccredited institution on transfer on the quality of the educational program of the unaccredited institution.
- The Secretary believes that to evaluate properly the educational program of an unaccredited institution, the accredited institution must offer a program at least as advanced as the program it is evaluating. Thus, while a four-year institution would have the necessary expertise to evaluate the educational program at another four-year institution or at a two-year institution, a two-year institution would not have that expertise with regard to a four-year institution. The Secretary has proposed a limitation in the regulation consistent with this understanding.
- Under section 1201(a)(5)(B) of the HEA, an accredited institution determines whether to accept the credits on transfer of an unaccredited institution. In order for this evaluation to make sense in the context of that section, the credits to be evaluated must have been earned by the transfer student when the institution was unaccredited.
- The Secretary believes that under section 1201(a)(5)(B) of the HEA, an accredited institution accepts credits "on transfer" only when a student actually transfers to the institution. The Secretary further believes that a student has actually transferred to an institution for the purposes of this section only when the student has enrolled as a regular student in an educational program in an accredited institution, the student attends classes at the accredited institution, and the accredited institution has officially applied the credits earned by the student at the unaccredited institution toward its degree of certificate.

The Secretary has also been concerned that accredited institutions were not taking the care called for in section 1201(a)(5)(B) of the HEA in evaluating the educational programs of unaccredited institutions when determining whether to accept credits on transfer from such institutions. In several instances, students transferring from the unaccredited institution did not enroll as regular students in the accredited institution, *i.e.*, enroll for the purpose of obtaining the degree offered by the accredited institution. In other instances, the accredited institution enrolled the transfer students in programs created especially for them. The Secretary believes that an accredited institution would be more careful in making the evaluations called for under section 1201(a)(5)(B) if it were evaluating transfer students enrolling as regular students in educational programs in which a substantial number of its nontransfer students were enrolled and has proposed this requirement in the regulation.

- Under the August 20, 1970 rule, the Secretary established a two-step application process. Under the first step, the applicant unaccredited institution completed the necessary forms and supplied the information called for in the application. Under the second step, the Department independently requested the three institutions listed by the applicant to verify the information provided by the applicant. Numerous problems arose from this practice. The most serious problem involved the Secretary's designation of the applicant unaccredited institution as an eligible institution on the basis of inaccurate information supplied by one of the three accredited institutions under circumstances where the unaccredited institution knew that the information provided by the accredited institution was inaccurate. If the three accredited institutions were required to submit their information and certifications through the applicant unaccredited institution and the applicant institution were required to review that information and those certifications, improper designations would be less likely to take place. The Secretary is proposing to revise the application procedures to require that all information be submitted through the applicant institution and that all information be submitted through the applicant institution and that the applicant institution be required to review such submissions.

The Secretary is also proposing that the three accredited institutions submit documentation to support their certifications, such as enrollment and attendance records, the date that a student's credits were transferred from the unaccredited institution, and the date that the accredited institution officially applied the student's credits that were earned at the unaccredited institution toward its degree or certificate. By revising the application procedures, both in terms of the documentation to be provided and the manner in which those documents will be submitted to the Secretary, the Secretary believes that there will be greater certainty that the determinations made under the transfer-of-credit alternative to accreditation will be based on a sound legal and factual basis.

When this regulation is published as a final regulation, the three-institutional-certification rule, published in the **Federal Register** of August 20, 1970, will be revoked.

College Housing Program

The Secretary proposes to amend the College Housing Program regulations, 34 CFR Part 614, to incorporate the definitions of the terms "accredited" and "nationally recognized accounting agency or association" set forth in § 600.2, and the provisions of §§ 600.9 and 600.10 and Subparts B and C of Part 600 when determining whether an applicant qualifies as an "educational institution" under section 404(b)(1) of the College Housing Act.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are classified as non-major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations will not have a

significant economic impact on a substantial number of small entities. These proposed regulations simplify and clarify statutory provisions governing the eligibility of institutions and schools of postsecondary education to apply to participate in programs authorized by the HEA. They will not have a significant economic impact on the small institutions and schools affected.

Paperwork Reduction Act of 1980

Sections 600.8 and 600.30 contain information collection requirements. As required by section 3504(h) of the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these proposed regulations to the Office of Management and Budget (OMB) for its review. Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, DC 20503; Attention: Joseph F. Lackey, Jr.

Invitation to comment:

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3030, Regional Office Building 3, 7th and D Streets, SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects

34 CFR Part 600

Administrative practices and procedures, Colleges and universities, Education, Reporting and recordkeeping requirements.

34 CFR Part 614

Colleges and universities, Education, Housing, Loan programs, Housing and community development.

Authority: A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

(Catalog of Federal Domestic Assistance number does not apply)

Dated: October 15, 1986.

William J. Bennett,

Secretary of Education.

The Secretary of Education proposes to amend Title 34 of the Code of Federal Regulations by adding a new Part 600 and amending Part 614 as follows:

1. A new part 600 is added to read as follows:

PART 600—INSTITUTIONAL ELIGIBILITY UNDER THE HIGHER EDUCATION ACT OF 1965, AS AMENDED

Subpart A—General

Sec.

Subpart B—Procedures for Establishing Eligibility

Subpart C—Maintaining Eligibility

Authority: 20 U.S.C. 1085, 1088, 1094(b)(3), and 1141, unless otherwise noted.

Subpart A—General

§ 600.1 Scope.

This part establishes the rules and procedures that the Secretary uses to determine whether an institution or school qualifies as an eligible institution under the Higher Education Act of 1965, as amended (HEA). An eligible institution may apply to participate in programs authorized by the HEA (HEA programs).

(Authority: 20 U.S.C. 1085 (a), (b), and (e), 1088 (b) and (c), 1094(b)(3) and 1141(a))

§ 600.2 Definitions.

The following definitions apply to terms used in this part:

Accredited: The status of public recognition which a nationally recognized accrediting agency or association grants to an institution, school, or educational program which meets certain established qualifications and educational standards.

Clock hour: A period of time consisting of—

(a) A 50- to 60-minute class, lecture, or recitation;

(b) A 50- to 60-minute faculty-supervised laboratory, shop training, or internship; or

(c) Sixty minutes of preparation in a program of study by correspondence.

Educational program: A legally authorized postsecondary program of organized instruction or study which leads to an academic, vocational, or professional degree or certificate. However, the Secretary does not consider that an institution provides an educational program if the institution does not provide instruction itself but merely gives credit for one or more of the following: examinations of instruction provided by other institutions or schools, examinations provided by agencies or organizations, or other accomplishments such as "life experience."

Eligible institution: Includes—

(a) An institution of higher education, as defined in § 600.4;

(b) A proprietary institution of higher education, as defined in § 600.5;

(c) A postsecondary vocational institution, as defined in § 600.6; and

(d) A vocational school, as defined in § 600.7.

GSL Program (Guaranteed Student Loan Program): The student loan program authorized by Title IV–B of the HEA.

Legally authorized: The legal status granted to an institution through a charter, license, or other written document issued by the appropriate agency or official of the State in which the institution is physically located.

Nationally recognized accrediting agency or association: An agency or association that the Secretary has recognized to accredit or preaccredit a particular category of institution, school, or educational program in accordance with the provisions contained in 34 CFR Part 603. The Secretary periodically publishes a list of those nationally recognized accrediting agencies and associations in the Federal Register.

Nonprofit institution: An institution that—

(a) Is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which benefits any private shareholder or individual;

(b) Is legally authorized to operate as a nonprofit organization by each State in which it is physically located; and

(c) Is determined by the U.S. Internal Revenue Service to be an organization to which contributions are tax deductible in accordance with section 501(c)(3) of the Internal Revenue Code.

One-year training program: An educational program that is at least 240 calendar days in length and consists of not less than 210 calendar days of instruction. The 210-day period of instruction begins with the first day of class and ends with the last day of class, and consists of at least—

(a) Twenty-four semester or trimester hours or units, or 36 quarter hours or units, at an institution which is authorized by the appropriate State agency to use credit hours or units to measure academic progress; or

(b) Nine hundred clock hours of supervised training at an institution using clock hours to measure academic progress; or

(c) Nine hundred clock hours in a program of study by correspondence.

PLUS Program: The loan program authorized by Title IV–B of the HEA.

Preaccredited: A status that—

(a) A nationally recognized accrediting agency or association, recognized by the Secretary to grant that status, has accorded an unaccredited institution that is progressing toward accreditation within a reasonable period of time; and

(b) The Secretary determines is the exclusive indication under sections 435(b)(5)(A) and 1201(a)(5)(A) of the HEA that an institution will meet the accreditation standards of a nationally recognized accrediting agency or association within a reasonable time.

Program of study by correspondence: An educational program offered principally by mail by an institution. Under this type of program, the institution prepares lesson materials and mails them to the student in a sequential and logical order. The student completes the lessons and mails them back to the institution within a specified period of time. The program may include a required period of residential training.

Recognized equivalent of a high school diploma:

(a) A General Education Development (GED) Certificate; or

(b) A State certificate received by a student after the student has passed a State authorized examination which the State recognizes as the equivalent of a high school diploma.

Recognized occupation: An occupation that is—

(a) Listed in an "occupational division" of the latest edition of the *Dictionary of Occupational Titles,* published by the U.S. Department of Labor; or

(b) Determined by the Secretary in consultation with the Secretary of Labor to be a recognized occupation.

Regular student: A person who is enrolled or accepted for enrollment at an institution for the purpose of obtaining a degree or certificate.

Secretary: The Secretary of the Department of Education or an official or employee of the Department of Education acting for the Secretary under a delegation of authority.

Six-month training program: An educational program that is at least 180 calendar days in length and consists of not less than 150 calendar days of instruction. The 150-day period of instruction begins with the first day of class and ends with the last day of class, and consists of at least—

(a) Sixteen semester or trimester hours or units, or 24 quarter hours or units, at an institution which is authorized by the appropriate State agency to use credit hours or units to measure academic progress;

(b) Six hundred clock hours of supervised training at an institution using clock hours to measure academic progress; or

(c) Six hundred clock hours in a program of study by correspondence.

State: A State of the Union, American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Trust Territory of the Pacific Islands, the Virgin Islands, or the Northern Mariana Islands.

(Authority: 20 U.S.C. 1071 *et seq.;* 1078–2, 1085, 1088, and 1141 and 26 U.S.C. 501(c))

§ 600.3 Special conditions.

For the purpose of §§ 600.4, 600.5, 600.6, and 600.7—

(a) The Secretary considers an institution other than one offering only a program of correspondence to be "in a State" only if the institution's campus or place of instruction is physically located in that State; and

(b) The Secretary considers an institution offering only a program of study by correspondence to be located only in the State in which its administrative or sales office is located.

(Authority: 20 U.S.C. 1085 (b) and (c), 1088 (b) and (c), and 1141(a))

§ 600.4 Institution of higher education.

(a) An institution of higher education is a public or private non-profit educational institution which—

(1) Is in a State;

(2) Admits as regular students only persons who—

(i) Have a high school diploma;

(ii) Have the recognized equivalent of a high school diploma; or

(iii) Are beyond the age of compulsory school attendance in the State in which the institution is located, and, if the institution seeks to participate in a program other than the GSL or PLUS Program, have the ability to benefit from the training offered;

(3) Is legally authorized to provide an educational program beyond secondary education in the State in which the institution is located;

(4) Provides an educational program—

(i) For which it awards an associate, baccalaureate, graduate, or professional degree;

(ii) Which is at least a two-year problem acceptable for full credit toward a baccalaureate degree; or

(iii) Which is at least a one-year training program that leads to a certificate or degree and prepares students for gainful employment in a recognized occupation; and

(5) Is—

(i) Accredited or preaccredited by a nationally recognized accrediting agency or association;

(ii) An institution whose credits the Secretary determines, in accordance with the provisions contained in § 600.8, to be accepted on transfer by at least three accredited institutions for credit on the same basis as transfer credits from any accredited institution; or

(iii) Approved by a State agency that the Secretary recognizes, by listing in the **Federal Register** in accordance with 34 CFR Part 603, as a reliable authority on the quality of public postsecondary vocational education in its State, if the institution—

(A) Is a public postsecondary vocational educational institution; and

(B) Seeks to participate only in Federal student assistance programs.

(b)(1) An institution that admits as regular students persons who do not have a high school diploma or its recognized equivalent and who are beyond the age of compulsory school attendance in the State in which the institution is located, shall develop and consistently apply standards for determining whether these persons have the ability to benefit from the education or training it offers.

(2) An institution must be able to demonstrate, upon request of the

Secretary, that each regular student that it admitted who did not have a high school diploma or its recognized equivalent satisfied the institution's standards under paragraph (b)(1) of this section.

(c) Notwithstanding the provisions in paragraph (a) of this section, the Secretary does not determine an institution to be eligible to aply to participate in the GSL and PLUS programs if the institution uses or employs commissioned salespersons to promote the availability of Guaranteed Student Loans or Plus Loans at that institution.

(Authority: 20 U.S.C. 1085, 1094(b)(3), and 1141(a))

§ 600.5 Proprietary institution of higher education.

(a) A proprietary institution of higher education is an educational institution which—

(1) Is not a public or private nonprofit educational institution;

(2) Is in a State;

(3) Admits as regular students only persons who—

(i) Have a high school diploma;

(ii) Have the recognized equivalent of a high school diploma; or

(iii) Are beyond the age of compulsory school attendance in the State in which the institution is located and have the ability to benefit from the training offered;

(4) Is legally authorized to provide an educational program beyond secondary education in the State in which the institution is physically located;

(5) Provides at least a six-month training program to prepare students for gainful employment in a recognized occupation;

(6) Is accredited by a nationally recognized accrediting agency or association; and

(7) Has been in existence for at least two years. The Secretary considers a proprietary institution to have been in existence for two years only if it has been legally authorized to provide, and has provided, a continuous training program to prepare students for gainful employment in a recognized occupation during the 24 months (except for normal vacation periods) preceding the date of application for eligibility.

(b)(1) A proprietary institution that admits as regular students persons who do not have a high school diploma or its recognized equivalent and who are beyond the age of compulsory school attendance in the State in which the institution is located, shall develop and consistently apply standards for determining whether these students have the ability to benefit from the education or training it offers.

(2) An institution must be able to demonstrate, upon request of the Secretary, that each regular student that it admitted who did not have a high school diploma or its recognized equivalent satisfied the institution's standards under paragraph (b)(1) of this section.

(Authority: 20 U.S.C. 1088(b))

§ 600.6 Postsecondary vocational institution.

(a) A postsecondary vocational institution is a public or private nonprofit educational institution which—

(1) Is in a State;

(2) Admits as regular students only persons who—

(i) Have a high school diploma;

(ii) Have the recognized equivalent of a high school diploma; or

(iii) Are beyond the age of compulsory school attendance in the State in which the institution is located and have the ability to benefit from the training offered;

(3) Is legally authorized to provide an educational program beyond secondary education in the State in which the institution is physically located.

(4) Provides at least a six-month training program to prepare students for gainful employment in a recognized occupation;

(5) Is—

(i) Accredited or preaccredited by a nationally recognized accrediting agency or association;

(ii) An institution whose credits the Secretary determines, in accordance with the provisions contained in § 600.8, to be accepted on transfer by at least three accredited institutions for credit on the same basis as transfer credits from any accredited institution; or

(iii) Approved by a State agency that the Secretary recognizes, by listing in the Federal Register in accordance with 34 CFR Part 603, as a reliable authority on the quality of public postsecondary vocational education in the State, if the institution is a public postsecondary vocational educational institution.

(6) Has been in existence for at least two years. The Secretary considers an institution to have been in existence for two years only if it has been legally authorized to provide, and has provided, a continuous training program to prepare students for gainful employment in a recognized occupation during the 24 months (except for normal vacation periods) preceding the date of application for eligibility.

(b)(1) A postsecondary vocational institution that admits as regular students persons who do not have a high school diploma or its recognized equivalent and who are beyond the age of compulsory school attendance in the State in which the institution is located, shall develop and consistently apply standards for determining whether these students have the ability to benefit from the education or training it offers.

(2) An institution must be able to demonstrate, upon request of the Secretary, that each regular student that it admitted who did not have a high school diploma or its recognized equivalent satisfied the institution's standards under paragraph (b)(1) of this section.

(Authority: 20 U.S.C. 1088 and 1094(b)(3))

§ 600.7 Vocational school.

(a) A vocational school is a business or trade school, technical institution, or other technical or vocational school which—

(1) Is in a State;

(2) Admits as regular students only persons who—

(i) Have completed or left elementary or secondary school; and

(ii) Have the ability to benefit from the training offered;

(3) Is legally authorized in the State in which the school is physically located to provide, and provides within that State, a program of postsecondary vocational or technical education that—

(i) Is designed to provide occupational skills more advanced than those generally offered at the high school level and to prepare individuals for useful employment in recognized occupations;

(ii) Is, begining with the first day of class and ending with the last day of class, at least 90 calendar days in length and consists of at least—

(A) Eight semester or trimester hours or units, or 12 quarter hours or units, at a school which is authorized by the appropriate State agency to use credit hours or units to measure academic progress; or

(B) Three hundred clock hours of supervised training at a school using clock hours to measure progress;

(iii) In the case of a program of study by correspondence, requires not les than an average of 12 hours of preparation per week over each 12-week period and completion in not less than six months; and

(iv) In the case of a flight school program, maintains current valid certification by the Federal Aviation Administration;

(4) Is—

(i) Accredited by a nationally recognized accrediting agency or association; or

(ii) In the case of a public vocational school, approved by a State agency that the Secretary recognizes, by listing in the **Federal Register**, in accordance with 34 CFR Part 603, as a reliable authority on the quality of public postsecondary vocational education in the State; and

(5) Has been—

(i) In existence for two years; or

(ii) Has been determined by the Secretary to be an eligible location of a school which meets all requirements of this section and which is eligible to participate in the GSL or PLUS Program.

(b) For purposes of this section, the Secretary considers a school to have been in existence for two years only if it has been legally authorized to provide, and has provided, a continuous training program to prepare individuals for useful employment in recognized occupations during the 24 months (except for normal vacation periods) preceding the date of application for eligibility.

(c)(1) A school that admits as regular students person who did not complete, or who left, elementary or secondary school shall develop and consistently apply standards for determining whether these persons have the ability to benefit from the training it offers.

(2) A school must be able to demonstrate, upon request of the Secretary, that each regular student that it admitted who did not complete, or who left, elementary or secondary school satisfied the school's standards under paragraph (c)(1) of this section.

(d) Notwithstanding the provisions contained in paragraph (a) of this section, the secretary does not determine a vocational school to be an eligible vocational school if it uses or employs commissioned sales-persons to promote the availability of Guaranteed Student Loans or PLUS loans at that school.

(Authority: 20 U.S.C. 1085 and 1094(b)(3))

§ 600.8 Transfer-of-credit alternative to accreditation.

(a) For an unaccredited public or private nonprofit institution to satisfy the requirements of § 600.4(a)(5)(ii) or § 600.6(a)(5)(ii), the Secretary must determine that—

(1) At least three accredited institutions, which satisfy the conditions in paragraph (c) of this section, have a policy of accepting on transfer the credits of a student who transfers from the unaccredited institution on the same basis as they accept on transfer the credits of a student who transfers from any accredited institution;

(2) Within the three years preceding the date the unaccredited institution applies for a determination that it satisfies the requirements of § 600.4(a)(5)(ii) or § 600.6(a)(5)(ii)—

(i) At least twelve of the unaccredited institution's regular students or former regular students transferred to at least three of the accredited institutions identified under paragraph (a)(1) of this section, with a minimum of four transfer students to each accredited institution; and

(ii) Each of at least three of the accredited institutions to which the twelve students transferred accepted the credits of the students who transferred for credit on the same basis as it accepted the credits of students who transferred from any accredited institution.

(b) For the purposes of paragraph (a)(2) of this section, the Secretary considers that a student has transferred to an accredited institution if—

(1) The student has enrolled as a regular student in an accredited educational program in the accredited institution;

(2) The student has attened classes for a period of time that exceeds the date beyond which a student would, upon withdrawal, qualify for the maximum refund of tuition and fees available to a student who attends at least one day of class; and

(3) The accredited institution has officially applied the credits earned by the student at the unaccredited institution toward a degree or certificate.

(c) To qualify under paragraph (a) of this section, an accredited institution must—

(1) Offer an educational program that is at least as long, in terms of academic years, academic terms, or clock hours, as the longest educational program offered at the unaccredited institution;

(2) Offer a degree or certificate at least as advanced as the highest degree or certificate offered at the unaccredited institution; and

(3) Apply the transfer credits toward an accredited degree or certificate program in which the transfer students will not constitute a majority of the students enrolled.

(d) If an unaccredited institution that was previously accredited or preaccredited has lost that status and applies for a determination that it statisfies the requirments of this section—

(1) The students described in paragraph (a)(2) of this section must have earned the transferred credits from the unaccredited institution after the institution lost its accreditation or preaccreditation; and

(2) Each accredited institution described in paragraph (a) of this section must know, when it accepts the credits of the transfer students, that the applicant institution lost its acreditation or preaccreditation before the credits to be transferred were earned.

(e)(1) The applicant unaccredited institution shall provide sufficient information and documentation to enable the Secretary to determine whether the unaccredited institution satisfies the requirements of this section. The information and documentation must include, but is not limited to—

(i) Information as to the length of the eductional programs offered by the applicant unaccredited institution and the highest degree or certificate it offers;

(ii) The names and addresses of the institutions described in paragraph (a) of this section, and for each institution, the length of its educational programs and the degrees and certificates it offers;

(iii) The names of students described in paragraph (a)(2) of this section, and the dates those students attended their first classes;

(iv) Enrollment records from each of the institutions identified in accordance with paragraph (e)(1)(ii) of this section for the transfer students identified in accordance with paragraph (e)(1)(iii) of this section;

(v) An official publication of each institution identified in accordance with paragraph (e)(1)(ii) of this section that contains that institution's policy with regard to the acceptance of credits on transfer from accredited and unaccredited institutions;

(vi) Whether the applicant has ever been accredited or preaccredited and if so, the date on which it lost that accreditation or preaccreditation;

(vii) A certified statement from the dean of admissions or the registrar of the applicant unaccredited institution indicating that the institution has not paid, nor will it pay, to any accredited institution identified in accordance with paragraph (e)(1)(ii) of this section, any remuneration or compensation of any kind in exchange for accepting its credits, students or former students; and

(viii) A certified statement from the dean of admissions or registrar of each accredited institution identified in accordance with paragraph (e)(1)(ii) of this section indicating—

(A) That the policy of that institution is to accept the credits of students transferring from the applicant unaccredited institution for credit on the same basis that it accepts the credits of students transferring from any accredited institution;

(B) That the institution has not received and will not receive remuneration or compensation of any

kind in exchange for accepting the unaccredied institution's credits or students;

(C) That the students identified in accordance with paragraph (e)(1)(iii) of this section transferred as regular students into accredited educational programs at the institution by enrolling and attending classes in those programs;

(D) The dates of enrollment of each of the students identified in accordance with paragraph (e)(1)(iii) of this section; and

(E) The the institution knows that the unaccredited institution is unaccredited and, if applicable, that the unaccredited institution has lost its accreditation or preaccreditation and the date of that loss.

(2) The Secretary does not begin to evaluate whether the unaccredited institution satisfies the requirement of this section until the applicant unaccredited institution provides all the information and documentation required for that determination.

(3) The Secretary may require, as a condition for making determination that the applicant unaccredited institution has satisfied the requirements of paragraph (a) of this section, that any of the accredited institutions identified in accordance with paragraph (e)(1)(ii) of this section confirm the accuracy of the information or documentation provided by the applicant which pertains to that accredited institution.

(f)(1) If the Secretary determines that an institution satisfies the requirements of this section, that determination remains in effect for three years.

(2) An institution may apply under this section for a renewal of its transfer-of-credit determiantion at the end of the three-year period. In that application, the institution must identify an additional twelve students who have transferred, as described in paragraph (a)(2)(i) of this section.

(Authority: 20 U.S.C. 1085(b) and 1141(a))

§ 600.9 Written agreement between an eligible institution and another institution or organization.

(a) Without losing its eligibility under this part, an eligible institution may enter into a written agreement with another institution or organization under the conditions in paragraph (b) of this section to have that institution or organization provide a portion of the eligible institution's total educational program if the eligible institution—

(1)(i) Is accredited or preaccredited by a nationally recognized accrediting agency or association; or

(ii) Is approved by a State agency that the Secretary recognizes, by listing in the **Federal Register** in accordance with 34 CFR Part 603, as a reliable authority on the quality of public postsecondary vocational education in the State; and

(2) Gives credit to students enrolled in the portion of the educational program that is provided by the other institution or organization on the same basis as if it provided that portion of the program itself.

(b)(1) If the eligible institution enters into an agreement with another eligible institution, there is no limitation on the portion of the educational program that may be provided under that agreement.

(2) If the eligible institution enters into an agreement with an institution or organization other than another eligible institution, the latter institution or organization may provide under that agreement—

(i) Not more than 25 percent of any student's educational program; or

(ii) More than 25 percent of a student's educational program if the eligible institution's nationally recognized accrediting agency or association or recognized State agency determines that the institution's agreement meets the agency's or association's standards for contracting for educational services.

(Authority: 20 U.S.C. 1094)

§ 600.10 Date, extent, and consequence of eligibility.

(a) *Date of eligibility.* If the Secretary determines that an applicant satisfies all the statutory and regulatory eligibility requirements, the Secretary considers the institution as an eligible institution as of the date the Secretary receives all the information necessary to make that eligibility determination.

(b)(1) *Extent of eligibility.* If the Secretary determines that the entire applicant institution, including all its locations and all its educational programs, satisfies the applicable requirements of this subpart, the Secretary extends eligibility to all educational programs and locations identified on the institution's application for eligibility.

(2) If the Secretary determines that only certain educational programs or certain locations of an applicant institution satisfy the applicable requirements of this subpart, the Secretary extends eligibility only to those educational programs and locations which meet those requirements and identifies the eligible educational programs and locations in the eligibility notice sent in accordance with § 600.21.

(3) Eligibility does not extend to any educational program or location that the institution establishes after its receives the eligibility designation.

(c) *Consequence of eligibility.* (1) An eligible institution may apply to participate in the programs authorized by the HEA which are listed in the eligibility notice that it receives under § 600.21.

(2) Merely by virtue of its designation as an eligible institution in the eligibility notice it receives under § 600.21, an institution is not automatically eligible to—

(i) Participate in the programs authorized by the HEA which are listed in the eligibility notice that it receives under § 600.21; or

(ii) Receive funds under any program authorized by the HEA.

(Authority: 20 U.S.C. 1085, 1088, and 1141)

Subpart B—Procedures for Establishing Eligibility

§ 600.20 Application procedures.

(a) An institution that wishes to establish its eligibility to apply to participate in any program authorized by the HEA must first apply to the Secretary for a determination that it qualifies as an eligible institution.

(b) An institution applying for designation as an eligible institution must—

(1) Apply on the form prescribed by the Secretary; and

(2) Provide all the information and documentation requested by the Secretary to make a determination of its eligibility.

(Authority: 20 U.S.C. 1085, 1088, and 1141)

§ 600.21 Eligibility notification.

(a) The Secretary notifies an institution in writing of the Secretary's determination—

(1) Whether the applicant institution qualifies in whole or in part as an eligible institution under the appropriate definition in §§ 600.4 through 600.8; and

(2) Of the HEA programs it is eligible to apply to participate in.

(b) If only a portion of the applicant qualifies as an eligible institution, the Secretary specifies only the locations or programs which qualify.

(Authority: 20 U.S.C. 1085, 1088, and 1141)

Subpart C—Maintaining Eligibility

§ 600.30 Institutional changes requiring review by the Secretary.

(a) An eligible institution shall notify the Secretary, at least 45 days before the effective date, of any change in the following information provided in the institution's eligibility application:

(1) Its name.

(2) Its address.

(3) The name, number, and address of locations other than the main campus at which it offers educational services.

(4) Its ownership, if that ownership change results in a change in control of the institution.

(5) The establishment of written agreements with other institutions or organizations in accordance with § 600.9(b)(2).

(b) The Secretary notifies the institution in writing if the change affects the institution's eligibility.

(c) The institution's failure to inform the Secretary of the information described in paragraph (a) of this section within the time period stated in that paragraph may result in adverse action against it, including the loss of its eligibility.

(Authority: 20 U.S.C. 1085, 1088, and 1141)

§ 600.31 Change in ownership resulting in a change of control.

(a) An eligible institution, or a previously eligible institution that participated in any HEA program, that changes ownership resulting in a change of control is not considered by the Secretary to be the same institution unless—

(1) The new owner agrees to be liable, or the old and new owners agree to be jointly and severally liable, for all HEA program funds which the institution received and improperly expended before the effective date of the change of control;

(2) The new owner agrees—

(i) To abide by the institution's policy regarding refunds of institutional charges to students in effect before the effective date of the change of control for students who were enrolled before the effective date; and

(ii) To honor all student enrollment contracts that were signed by the institution before the effective date of the change; and

(3) The institution provides for the retention of all records required in connection with its participation in any HEA program.

(b) For the purposes of this part, a change in ownership of an institution that results in a change of control means any action by which a person or corporation obtains new authority to control the actions of that institution. That action may include, but is not limited to—

(1) The sale of the institution;

(2) The transfer of the controlling interest of stock of the institution or its parent corporation;

(3) The merger of two or more institutions;

(4) The division of one institution into two or more institutions; or

(5) The transfer of the controlling interest of stock or assets of the institution to its parent corporation.

(c) The Secretary considers an eligible institution, or a previously eligible institution that has participated in any HEA program, that changes ownership resulting in a change of control to be a new institution for the purpose of establishing eligibility if the new owner or owners have been convicted of a crime involving any HEA program.

(d) If the Secretary considers an institution to be a new insitution under this section, the institution under its new owner or owners must meet all applicable requirements for establishing eligibility, including the two years in existence requirement.

(Authority: 20 U.S.C. 1085, 1088(b), and 1094)

§ 600.32 Loss of eligibility.

(a) An institution loses its eligibility on the date that—

(1) It failes to meet any of the eligibility requirements of this part;

(2) It permanently closes; or

(3) It ceases to provide educational programs (except during normal vacation periods).

(b) If the Secretary designates an institution an eligible institution on the basis of inaccurate information or documentation, the Secretary's designation is void from the date it was made and the institution never qualified as an eligible institution.

(c) If an institution loses it eligibility—

(1) It must notify the U.S. Department of Education within 30 days; and

(2) It becomes ineligible to continue to particpate in any HEA program.

(Authority: 20 U.S.C. 1085, 1088 and 1141)

PART 16—COLLEGE HOUSING PROGRAM

2. The authority for Part 614 continues to read as follows:

Authority: 12 U.S.C. 1749–1749d, unless otherwise noted.

3. Section 614.4 is amended by adding a new paragraph (c), to read as follows:

§ 614.4 What regulations apply to the College Housing Program:

* * * * *

(c) With regard to determinations by the Secretary of whether an entity is an "educational institution" within the meaning of section 404(b)(1) of the Act, the definitions of "accredited" and "nationally recognized accrediting agency or association" in 34 CFR 600.2 and the provisions of 34 CFR 600.9 and 600.10, Subpart B and C.

(Authority: 12 U.S.C. 1749–1749d)

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October 21, 1986

Part III

Department of Labor

Mine Safety and Health Administration

30 CFR Part 75

Safety Standards for Explosives and Blasting, Coal Mine Safety and Health; Public Hearings

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

Safety Standards for Explosives and Blasting, Coal Mine Safety and Health; Public Hearings

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of Public Hearings.

SUMMARY: The Mine Safety and Health Administration (MSHA) will hold public hearings on its proposal to revise existing safety standards for explosives and blasting in underground coal mines. The hearings will be held in Pittsburgh, Pennsylvania and Lexington, Kentucky. The hearings are being held in response to requests from the public and will cover the major issues raised by commenters in response to the proposals.

DATES: All requests to make oral presentations for the record should be submitted at least five days prior to each hearing date. Immediately before each hearing, any unallotted time will be made available to persons making late requests. The public hearings will be held at the following locations on the dates indicated beginning at 9:00 a.m.; November 18, 1986, Pittsburgh, Pennsylvania; and November 20, 1986, Lexington, Kentucky.

ADDRESSES: The hearings will be held at the following locations: Bureau of Mines Building Auditorium, First Floor, 4800 Forbes Avenue, Pittsburgh, Pennsylvania; and Holiday Inn Lexington-North, 1950 Newtown Pike, Lexington, Kentucky.

Send requests to make oral presentations to: Mine Safety and Health Administration, Office of Standards, Regulations and Variances, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, phone (703) 235-1910.

SUPPLEMENTARY INFORMATION: On May 9, 1986, MSHA published proposed revisions to its existing safety standards in 30 CFR Part 75 for explosives and blasting in underground coal mines (51 FR 17284). The written comment period, which was initially scheduled to close on July 8, 1986, was extended until July 31, 1986 (51 FR 24387). In the comments filed to the proposed rule, MSHA received requests for public hearings. The purpose of the public hearings is to receive relevant comment and respond to questions about the proposed rule. The hearings will be conducted in an informal manner by a panel of MSHA officials. Although formal rules of evidence will not apply, the presiding official may exercise discretion in excluding irrelevant or unduly repetitious material and questions. Each session will begin with an opening statement from MSHA. The public will then be given an opportunity to make oral presentations. During these presentations, the hearing panel will be available to answer relevant questions. At the discretion of the presiding official, speakers may be limited to a maximum of 20 minutes for their presentations. Time will be made available at the end of the hearings for rebuttal statements. A verbatim transcript of each proceeding will be taken and made part of the rulemaking record. Copies of the hearing transcript will be available for review by the public.

MSHA will also accept additional written comments and other appropriate data from any interested party, including those not presenting oral statements. Written comments and data submitted to MSHA will be included in the rulemaking record. To allow for the submission of any post-hearing comments, the record will remain open until December 5, 1986.

Issues

Commenters questioned many specific provisions contained in the proposal. However, some of the provisions of the rule, which are discussed in this notice, raised important issues. MSHA will specifically address these issues at the public hearings and solicits comment on them in addition to any other aspects of the proposed rule.

In a separate rulemaking, 30 CFR Part 15, MSHA is developing approval requirements for explosives and sheathed explosive units. MSHA anticipates that the Part 15 proposal will be published and made available to the mining community prior to these public hearings.

Definitions

A definition in the proposal specified that an "instantaneous detonator" is an electric detonator that fires within 6 milliseconds after application of the firing current. Several commenters suggested that the 6 milliseconds be increased to 14 milliseconds. These commenters stated that the firing time for detonators used in the coal mining industry varies from 0 to 14 milliseconds. They further stated that there is no data to support limiting the firing time to 6 milliseconds and that no hazard is created by allowing a firing time of up to 14 milliseconds.

Qualified Person

Section 75.1300 of the proposal set forth alternative requirements for persons who must be qualified to perform certain tasks involved in the use of explosives. Under the proposal, a person could be qualified in accordance with State requirements, or could be qualified by MSHA if they have at least one year of underground mining experience and have demonstrated to an authorized representative of the Secretary the ability to use explosives in accordance with MSHA standards.

Some commenters suggested that persons qualified by a State should also be required to demonstrate to MSHA an ability to use explosives in accordance with 30 CFR Part 75. These commenters stated that under most State laws, persons who successfully take State mine foreman examinations are considered qualified to use explosives, regardless of whether they are experienced or knowledgeable in the use of explosives. In addition, these commenters recommended that persons not qualified by a State, be required to have at least two years of mining experience, attend a training program administered by MSHA, and successfully pass a written examination administered by MSHA. According to these commenters, no miner can obtain the experience necessary to use explosives in less than two years, and these persons must be trained and tested by MSHA to assure that they have the ability and knowledge to properly use explosives. Other commenters suggested that a mining experience requirement is unnecessary for persons who could satisfactorily demonstate the ability to use explosives. These commenters further stated that in some western States, mine operators may encounter difficulty in finding miners with one year of underground mining experience.

Commenters also questioned the effectiveness of State qualification programs as an adequate alternative to an MSHA qualification program. These commenters stated that some persons who have received State qualifications frequently fail to follow proper safety procedures or the applicable State and Federal requirements for the use of explosives.

Explosives and Blasting Equipment

Section 75.1310 would require that only approved explosives be taken underground, that explosives be fired with an approved blasting unit of

sufficient capacity, and that certain types of detonators and other non-electric detonating devices not be used underground. Some commenters suggested that the specific prohibition of non-electric detonating devices be deleted and a provision added which would require that only approved detonators be taken underground. These commenters indicated that with this approach, technological advances in non-electric detonating devices could be used in underground coal mines if they were approved by MSHA.

Some commenters recommended that approved blasting units be required only when used in or by the last open crosscut. These commenters stated that this change would make the requirement for blasting units consistent with other requirements for approved equipment in 30 CFR Part 75. Other commenters suggested that the final rule specify the type of blasting unit that is to be used based on the number of shots that will be fired at one time rather than specifying the use of a blasting unit that "has sufficient capacity and is appropriate for the blasting operation". These commenters stated that the final rule should specify where large capacity blasting units (capable of firing more than 20 shots at one time) may be used.

Storage of Explosives and Detonators in Underground Magazines

Section 75.1312 would establish basic storage requirements for explosives and detonators and would limit the quantity of explosives stored underground to that amount necessary for 48 hours of use. Some commenters suggested that the 48-hour limitation be deleted as unnecessary in view of major improvements made in product stability. In addition, these commenters pointed out that proposed § 75.1327 would require removal of deteriorated explosives from underground when the magazine is resupplied. Other commenters suggested that the 48-hour supply be decreased to 24 hours. These commenters stated that this change is necessary to prevent deteriorated explosives from being kept underground.

Boreholes for Explosives

Section 75.1315(b) would require a distance of at least 24 inches between boreholes and between each borehole and any free face, unless prohibited by the thickness of the coalbed. Some commenters suggested that the minimum spacing be reduced to 18 inches, suggesting that the 24-inch spacing is not appropriate in all situations. Commenters also suggested the proposed 24-inch spacing requirement not apply when blasting solid rock, while others recommended that the 24-inch spacing be retained with a provision that would allow the District Manager to approve a lesser distance. In addition, commenters pointed out that "hole spacing" and "burden" are two separate things and that if an 18-inch burden is to be maintained, the hole spacing would need to be at least 36 inches. They suggested that the proposed requirement be revised as follows: "Each borehole containing explosives shall have a burden of at least 18 inches".

Loading Boreholes

Section 75.1318(b)(3) would require the primer cartridge and other explosives to be pushed to the back of the borehole in a continuous column. One commenter suggested that this proposed requirement be applicable only when boreholes are inclined at angles of less than 45 degrees from horizontal. This commenter stated that in many instances when loading vertical holes overhead, it is difficult if not impossible to load all cartridges in a continuous column. In addition, this commenter pointed out that vertical holes do not retain drill cuttings, which could result in cartridge separation in horizontal holes.

Proposed § 75.1318(c) would prohibit the use of an explosive if it is damaged, deteriorated, incompletely filled or below the approved minimum firing temperature. Some commenters suggested that the term "approved" be replaced with the phrase "manufacturer's recommended" minimum firing temperature. These commenters stated that during the development of an approved explosive, the manufacturer establishes the minimum temperature at which commercial coal mine detonators initiate the approved product.

Section 75.1318(d) specifies that explosives of different brands, types, or cartridge sizes not be loaded into the same borehole. Some commenters suggested that this provision be deleted because all approved explosives must pass required tests and that mixing of products would not create a hazard.

Several commenters recommended that a provision be included in the final rule which specifies that only nonferrous tamping bars and primer punches be used for charging and tamping boreholes. In addition, some commenters suggested that the nonferrous punch be at least ½ of an inch longer than the detonator being used. These commenters stated that this would assure that sparking materials do not contact explosives and that detonators are completely embedded within the explosive cartridge.

Weight of Explosives Permitted in Boreholes in Bituminous and Lignite Mines

Proposed § 75.1319(a) specifies that except when blasting solid rock in its natural deposit, the total weight of explosives in a borehole shall not exceed three pounds. Some commenters suggested the phrase "solid rock in its natural deposit" be changed to "rock without mineable coal" to better reflect conditions such as "sulfur balls", "middleman" or other rock formation in the coal face. Other commenters recommended that the three-pound limit not be applicable when blasting fallen material composed of rock and its surrounding coal strata outby the last open crosscut. These commenters stated that in these areas the hazards addressed by the proposed weight limit do not exist and greater weights are often necessary to effectively blast the materials.

Multiple-Shot Blasting

Proposed § 75.1320 addresses requirements for detonator use and placement in multiple-shot blasting. Under the proposal, any type of electric detonators could be used in anthracite mines, unless the District Manager specifies that only short-delay detonators be used. In bituminous and lignite mines, only instantaneous and short-delay detonators could be used when blasting cut coal, and only short-delay detonators could be used when blasting solid coal. Also, when blasting solid coal, the proposal would require that each shot in the round be fired in sequence from the opener hole, and that the time interval between the delay periods of adjacent detonators be at least 50 milliseconds.

Some commenters suggested that only short-delay detonators be used in underground coal mines, unless the use of other detonators is approved by the District Manager. Another commenter stated that the use of instantaneous detonators should be prohibited because their use could be dangerous.

Some commenters recommended that the term "nominal" be added to the standard to indicate that the time interval between adjacent detonators be at least a "nominal" 50 milliseconds. These commenters pointed out that delay periods for detonators are not exact.

Some commenters recommended that a provision be added to the final rule which would require roof and rib holes to have a 50 millisecond time interval

from all adjacent interior holes. These commenters also recommended that the final rule not permit the firing of more than 20 shots at one time unless approval is obtained from the District Manager.

Several commenters suggested that blasting solid coal be prohibited by the final rule, stating that blasting from the solid is outdated and unsafe. They further suggested that this method of mining increases the potential for blownout shots and dust explosions.

Stemming Boreholes

Proposed § 75.1321(a) specifies that only noncombustible material be used for stemming boreholes. Some commenters suggested that the rule define "noncombustible" as clay or water, stating that only these materials should be used for stemming. Several other commenters recommended that only clay stemming be used for stemming material when blasting coal from the solid. These commenters stated that materials other than clay were not safe or effective when blasting coal from the solid.

Blasting Circuits

Section 75.1322(a) would require blasting circuits to be protected from sources of stray electric current. Some commenters suggested that blasting circuits also be protected from static electric currents, stating that static electricity is capable of initiating detonators.

Section 75.1322(d)(2) would require blasting cables to be long enough to permit the round to be fired from a safe location. Some commenters recommended that "long enough" be defined as a blasting cable that is at least 125 feet in length. These commenters stated that a blasting cable must be at least 125 feet long to assure that the blast can be initiated from a safe location, and to discourage firing the round from an unsafe location.

Section 75.1322(h) would require bare connections in blasting circuits to be kept out of water and not contact coal, roof, face, ribs, or floor. Several commenters suggested this provision be revised to specify that bare connections in blasting circuits be positioned to minimize contact with water, coal, roof, ribs, and floor. These commenters stated that the proposed total prohibition of contact was impossible to comply with in many situations.

Proposed § 75.1322(j) specifies that when a blasting circuit is tested for circuit continuity, a blasting galvanometer or other instrument specifically designed for testing blasting circuits shall be used. Several commenters recommended that rather than specifying the use of such instruments when the decision is made to test, the final rule should require that each blasting circuit be tested for continuity before each group of shots is fired. These commenters were of the opinion that such testing is necessary to minimize the hazard of misfires.

Some commenters suggested that a provision be included in the final rule which would require rock dust to be applied to all mine surfaces that are within 40 feet of the face. These commenters pointed out that existing standard 75.402 requires rock dust to be applied to the mine surfaces only up to within 40 feet of face, and the area in the immediate vicinity of a blast is the area that needs rock dust to minimize the hazard of flame propagation.

Firing Procedure

Proposed § 75.1324(b) specifies that only one face in a working place be blasted at a time, except that up to three faces may be blasted at a time if each face has a separate kerf and no more than 20 shots are fired in the round. Some commenters suggested that this proposed exception be deleted because blasting three faces simultaneously can create high concentrations of toxic fumes and generate excessive heat.

Section 75.1324(c) would require all persons to be removed from the blasting area and, when blasting is performed in a working place, from each adjacent working place to an area which is around at least one corner from the blasting area. Some commenters suggested that persons not be required to be removed from adjacent working places unless a hazard would be created by the blast. These commenters pointed out that persons in adjacent working places may or may not be exposed to hazards created by blasting. These commenters stated that to require removal of persons from all adjacent working places is unnecessary and not supported by the risk involved. As an alternative, these commenters suggested that the standard require removal of persons from the blasting area and from other areas where a hazard would be created by the blast.

Section 75.1324(e) would prohibit persons from entering an area for at least 15 minutes when a round has only partially detonated. Some commenters recommended that the waiting period be reduced to 5 minutes. These commenters stated that this would be consistent with current state requirements in West Virginia and Kentucky.

Misfires

Proposed § 75.1326(a) specifies that when misfires occur, work to dispose of misfires and other work necessary to protect persons in the area affected shall be done by a qualified person. Some commenters suggested that this provison also require a "danger" warning to be posted at each entrance to the area affected. These commenters stated that all persons in adjacent areas should be clearly warned not to enter the blasting area.

Proposed § 75.1326 (b) and (c)(2) specifies when misfires are to be reported to mine management. Some commenters suggested that the standard also require a record, signed by the mine foreman, to be kept of all misfires. These commenters stated that such records would indicate any repetitious malfunctions and problems with a certain product so it can be corrected.

Damaged or Deteriorated Explosives and Detonators

Section 75.1327 (a)(2) would require damaged or deteriorated explosives and detonators to be removed from the mine or placed in a magazine and removed when the magazine is resupplied. Some commenters suggested that the explosives and detonators should be removed no later than the end of each shift. These commenters stated that due to the unstable condition of damaged or deteriorated explosives and detonators, they should be removed as soon as possible.

Section 75.1327(c) would require damaged or deteriorated explosives and detonators to be disposed of on the surface and in a safe manner. Some commenters suggested that the phrase "safe manner" be replaced with the phrase "in accordance with the instructions of the manufacturer". These commenters indicated that the manufacturer's guidelines must be followed to safely dispose of these products.

Dated: October 15, 1986.

David A. Zegeer,

Assistant Secretary for Mine Safety and Health.

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This is a continuing list of public bills from the current session of Congress which have come Federal Laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 4545/Pub. L. 99-473

To authorize appropriations for the American Folklife Center for fiscal years 1987, 1988, and 1989, and for other purposes. (Oct. 16, 1986; 100 Stat. 1212; 1 page) Price: $1.00

H.R. 4718/Pub. L. 99-474

Computer Fraud and Abuse Act of 1986. (Oct. 16, 1986; 100 Stat. 1213; 4 pages) Price: $1.00

H.R. 5522/Pub. L. 99-475

To authorize the release to museums in the United States of certain objects owned by the United States Information Agency. (Oct. 16, 1986; 100 Stat. 1217; 1 page) Price: $1.00

H.J. Res. 210/Pub. L. 99-476

Designating the Study Center for Trauma and Emergency Medical Systems at the Maryland Institute for Emergency Medical Services Systems at the University of Maryland as the "Charles McC. Mathias, Jr., National Study Center for Trauma and Emergency Medical Systems." (Oct. 16, 1986; 100 Stat. 1218; 1 page) Price: $1.00

H.J. Res. 555/Pub. L. 99-477

To designate the week beginning November 24, 1986, as "National Family Caregivers Week." (Oct. 16, 1986; 100 Stat. 1219; 2 pages) Price: $1.00

H.J. Res. 588/Pub. L. 99-478

Commemorating January 28, 1987, as a National Day of Excellence in honor of the crew of the space shuttle Challenger. (Oct. 16, 1986; 100 Stat. 1221; 1 page) Price: $1.00

H.J. Res. 617/Pub. L. 99-479

To designate the week beginning September 21, 1986, as "National Adult Day Care Center Week." (Oct. 16, 1986; 100 Stat. 1222; 1 page) Price: $1.00

H.J. Res. 635/Pub. L. 99-480

To designate the school year of September 1986 through May 1987 as "National Year of the Teacher" and January 28, 1987, as "National Teacher Appreciation Day." (Oct. 16, 1986; 100 Stat. 1223; 1 page) Price: $1.00

H.J. Res. 678/Pub. L. 99-481

To designate October 1986 as "Crack/Cocaine Awareness Month." (Oct. 16, 1986; 100 Stat. 1224; 1 page) Price: $1.00

H.J. Res. 686/Pub. L. 99-482

To designate August 12, 1987, as "National Civil Rights Day." (Oct. 16, 1986; 100 Stat. 1225; 1 page) Price: $1.00

H.J. Res. 741/Pub. L. 99-483

To designate March 1987, as "Developmental Disabilities Awareness Month." (Oct. 16, 1986; 100 Stat. 1226; 1 page) Price: $1.00

S. 2062/Pub. L. 99-484

To designate the Federal Building and United States courthouse to be constructed and located in Newark, New Jersey, as the "Martin Luther King, Jr. Federal Building and United States Courthouse." (Oct. 16, 1986; 100 Stat. 1227; 1 page) Price: $1.00

S. 2788/Pub. L. 99-485

To designate the Federal building located in San Diego, California, as the "Jacob Weinberger Federal Building." (Oct. 16, 1986; 100 Stat. 1228; 1 page) Price: $1.00

S. 2884/Pub. L. 99-486

To amend the Fair Labor Standards Act of 1938 to require that wages based on individual productivity be paid to handicapped workers employed under certificates issued by the Secretary of Labor. (Oct. 16, 1986; 100 Stat. 1229; 2 page) Price: $1.00

S.J. Res. 280/Pub. L. 99-487

Designating the month of November 1986 as "National Alzheimer's Disease Month. (Oct. 16, 1986; 100 Stat. 1231; 1 page) Price: $1.00

S.J. Res. 385/Pub. L. 99-488

To designate October 23, 1986, as "National Hungarian Freedom Fighters Day." (Oct. 16, 1986; 100 Stat. 1232; 1 page) Price: $1.00

S.J. Res. 395/Pub. L. 99-489

To designate the period October 1, 1986, through September 30, 1987, as "National Institutes of Health Centennial Year." (Oct. 16, 1986; 100 Stat. 1233; 2 pages) Price: $1.00